

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 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: Greg Kavan, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: Mike Lawver.

Utility manager reports provided. An update report from JEO on projects was provided. Opening of Chestnut Street is planned for October 2, 2020, with a ribbon cutting to be scheduled.

Stuhr reported on plans for improvements at Hackberry Park, Phase 3 and provided a map with the master plan. This is new development on property owned by Wahoo Public Building and Grounds for additional multipurpose fields, parking, ballfields, and concession/ restroom space. Estimated budget for the project is \$1.4 million. Sales tax revenues designated for capital improvements were reviewed. Stuhr answered questions on the proposed plans, and stated if the Council supports the project, the approval of the triple-net lease with Wahoo Public Building and Grounds will be on the next agenda. Consensus of Council members supported proceeding with plans.

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

1. Excused absence of Lawver
2. Minutes of September 10, 2020 Budget Hearing and regular meeting of Council
3. Minutes of September 8, 2020 meeting of Wahoo Library Board
4. Minutes of September 9, 2020 meeting of Wahoo Planning Commission
5. Approval of Katja Musgrove as a member of the WVFD
6. Approval of Mayor's appointment of Chad Zwick to the Wahoo Public Building and Grounds Association as representative for Parks and Recreation

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

No action on tabled items.

Jon Mooberry of JEO reported on Change Order No. 15 for Chestnut Street Project, which adds installation of the street lights between 14th to the Highway bypass. Some work will be started in late fall with the remainder done in the spring, with completion set for May 1, 2021. Motion to approve Change Order No. 15 was made by Warford, seconded by Nagle. Roll call vote: Warford, yes; Nagle, yes; Kavan, yes; Krejci, yes and Boop, yes. Absent and not voting: Lawver. Motion carried.

Motion was made by Kavan, seconded by Warford, to approve Pay Application #26 to M E Collins Contracting in the amount of \$207,134.15 (\$201,488.15 city expense, \$5,646.00 utility expense). Roll call vote: Kavan, yes; Warford, yes; Boop, yes; Krejci, yes; and Nagle, yes. Absent and not voting: Lawver. Motion carried.

Hearing was held at 7:28 p.m. to determine whether a brindle Great Dane dog owned by Jim and Tammy Nelson is potentially dangerous or dangerous. Report presented by Chief Ferrell, stating Nelson's dog attacked Kleffner's dog that was tied on its own property. Photo of injury and vet bill were provided. Jim Nelson stated normally the dog is restrained with a cable or leash and is friendly. The dog

has been stressed due to raccoons in the neighborhood, and they just lost their other dog. Nelson said the door was not completely closed, and the dog got out. He immediately followed it and broke up the contact, the other dog was not seriously hurt, and his dog was not aggressive to any people during the incident. Lausterer stated a designation of potentially dangerous is a “first strike” with no action required by the owner. Warford stated he did not feel this incident met the level for potentially dangerous designation, and moved to make no designation for this dog. Motion seconded by Kavan. Roll call vote: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: Lawver. Motion carried. Krejci noted this is a reminder to the owner to keep control of the animal.

Information regarding deck project and property setbacks was reviewed for a request for variation. Motion by Kavan, seconded by Krejci, to approve the variation in front yard setback to align frontages for addition of deck at 543 East 12th Street. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; and Nagle, yes. Absent and not voting: Lawver. Motion carried.

Information regarding site plan on Air Park Lot 5 was provided. Council members were advised the count of required parking spaces was based upon current office space designated in the building. If the use of the building changes, this would cause the number of spaces needed to increase. Motion by Krejci, seconded by Nagle, to approve the proposed parking plan for GSB properties at Wahoo Industries Airpark Lot 5, with notice to the developer that if use of the building changes, this would affect parking requirements. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: Lawver. Motion carried.

Resolution authorizing signing of Municipal Annual Certification of Program Compliance Form and filing with Board of Public Roads Classifications and Standards, **Resolution No. 2020-18**, was introduced by Warford, who moved for its approval, seconded by Kavan:

“WHEREAS: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2) requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

BE IT RESOLVED that the Mayor of City of Wahoo is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.”

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

Motion by Warford, seconded by Kavan, for acceptance of Exhibit F and Exhibit G as recommended for the Bomgaars TIF Project. Roll call vote: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: Lawver. Motion carried.

The Mayor stated he has reviewed the update of the NRD 2020 Hazard Mitigation Plan applicable to Wahoo, and has noted some items the City needs to consider and work on.

Resolution to provide local approval of the Lower Platte North NRD 2020 Hazard Mitigation Plan Standards, **Resolution No. 2020-19**, was introduced by Krejci, who moved for its approval, seconded by Nagle:

“**WHEREAS**, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural

hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Lower Platte North Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, NE.

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City of Wahoo and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Wahoo in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of the City of Wahoo does herewith adopt the Lower Platte North Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety.”

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

The Mayor stated he has been reviewing committee assignments for the Council for the upcoming year.

Council members discussed revising the process for designation of dangerous or potentially dangerous dogs to eliminate this from Council agendas, suggesting either a hearing officer process or designating the Chief of Police as authorized to make a decision, which could then be appealed to the Council. Lausterer will draft language for a proposed amendment.

The Mayor stated citizens concerned about the increase in Covid cases in the community have asked him if a mask mandate would be advisable. He asked the Council if they felt a Board of Health meeting was needed to consider additional action. Lausterer noted the authority of Three Rivers to implement health measures, based on State action. It was agreed stricter standards for masks and social distancing was best left to individual businesses to decide.

The Mayor discussed parking concerns for residents of downtown apartments. Council members discussed the restriction on overnight parking in residential areas and the downtown area, and whether a change in parking regulations should be considered.

Motion by Boop, seconded by Warford, to adjourn at 8:09 p.m.

Approved:

Lucinda Morrow, Clerk

Gerald D. Johnson, Mayor