

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: Mike Lawver, Greg Kavan, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

A Proclamation honoring National Public Natural Gas Week, October 4-10, 2020 was signed by the Mayor.

Department Head reports presented. Ferrell reported call volumes are up from last year's numbers and the grant reimbursement for radios for the police department and EMS was received. Beavers reported two more new house permits, and two projects at Airpark. The Mayor reported a ribbon cutting ceremony was held for the Chestnut Street project. The Finance Committee and Street Committee met. The Mayor reported Wahoo Public Building and Grounds met last week.

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

1. Minutes of September 24, 2020 meeting of Council
2. Minutes of September 16, 2020 meeting of Board of Public Works
3. Licenses: Plumbers: Tommy Huering, Valley Corporation; Anthony Leonardo, Tony Leonardo Plumbing; Joshua Andersen, Andersen Plumbing; Chad Ruda, Ruda Septic; David Miller, Mainelli Mechanical. HVAC: Keith McRoberts, StarCity Heating & Cooling; Joseph Gyhra, Falcon Heating & A/c Inc; Scott Getzschman, Getzschman Heating LLC; Gil Balboa, Midlands Mechanical; Terry McNeil, Mainelli Mechanical. Electricians: Scott Huenink, Electrical Enterprises; Mike Fitzgerald, Getzschman Heating LLC; Roger Knobbe, Miller Electric; Andrew Hanson, Computer Cable Connection; Andrew Kavan, Kavan Electric. Tree Contractor: Robbie Koranda, Koranda Lawn Service; Jim Haas, Lincoln Tree.

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

Public hearing opened at 7:09 p.m. on consideration of amendment of Wahoo Zoning Ordinance, Section 4.12 regarding size limitations for accessory buildings in LLR Zoning District. Beavers stated the Board of Adjustment asked to clarify language referring to total amount of accessory building space not to exceed the footprint of the primary structure on a LLR lot, even if the lot was larger than three acres. Beavers noted this is not a change in regulations, just states more clearly the way he interprets the regulations and has been enforcing them. The Planning Commission recommended the amendment. No public comments. Motion to close public hearing at 7:12 p.m. by Kavan, seconded by Krejci. Roll call vote: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Ordinance No. 2354 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, THE WAHOO ZONING ORDINANCE, SECTION 4.12, REGARDING SIZE LIMITS FOR ACCESSORY BUILDING SPACE IN LLR DISTRICT, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2354 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2354 by title.

Council Member Nagle 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: Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, 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. 2354 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2354 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: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, no; 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 application for change of zoning on a parcel in part of SE ¼ NE ¼ Sec 10 and SW ¼ NW ¼ Sec 11 T14N R7E, containing 13.367 acres, known as 1341 County Road 16 from TA – Transitional Agriculture to LLR – Large Lot Residential, as filed by Scott Smith. Beavers reported this is related to a subdivision of lots also on the agenda. The Planning Commission recommended approval of the change. Blane Presley stated a portion of one lot is above the flood plain, and he wants to build a residence there. No other public comments. Motion to close public hearing at 7:16 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. 2355 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP BY CHANGE OF ZONING FROM TA – TRANSITIONAL AG TO LLR – LARGE LOT RESIDENTIAL, ON A PARCEL IN SE ¼ NE ¼ SEC 10 AND SW ¼ NW ¼ SEC 11 T14N R7E, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2355 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2355 by title.

Council Member Lawver moved that Ordinance No. 2355 be approved and passed on first reading 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.

Public Hearing opened at 7:18 p.m. for Final Plat of a replat of a parcel containing 13.367 acres in SE ¼ NE ¼ SEC 10 and SW ¼ NW ¼ SEC 11 T14N R7E, Saunders County, Nebraska, to create two lots. Beavers reported the Planning Commission recommended approval of the replat; the Assessor/Register of Deeds advised there is concern because a portion of one lot is in a different taxing district. Lausterer stated as far as City records are concerned, there are two lots, and recommended that the rezoning ordinance be filed along with platting documents. No public comments offered. Motion by Kavan, seconded by Krejci, to close the public hearing at 7:21 p.m. Roll call vote: Lawver, yes; Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Lawver, to approve the Final Plat of Smith's Addition, the replat of a parcel containing 13.367 acres in SE ¼ NE ¼ SEC 10 and SW ¼ NW ¼ SEC 11 T14N R7E, Saunders County, Nebraska to create Lots 1 and 2. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

No action on tabled items.

Harrell reported that some changes to the plans for Hackberry Park Improvements Phase 3 have been discussed since the presentation at the last meeting. The spending limit recommended is not to exceed \$165,000 per year for ten years, to come from the sales tax revenue dedicated for capital improvements. Lausterer explained the triple net lease terms. Motion by Krejci, seconded by Kavan, to authorize the Mayor to sign a triple net lease with Wahoo Public Building and Grounds for Hackberry Park improvements Phase 3. Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Beavers reported the Preliminary Plat for Center Pointe Subdivision was resubmitted to the Planning Commission with additional information provided by the applicant. After consideration of the additional information, the Planning Commission voted to not recommend approval of the Preliminary plat, since the plat contains multiple driveways, which does not comply with the Subdivision Regulations provision for marginal access from arterial roads. Roger Harders was not present. No public comments.

It was noted that the Subdivision Regulations Section 4.27 defines roads which fall on a section line as arterial streets, and Section 4.08 states the City may require marginal access streets for subdivisions fronting on arterial streets, which would apply to this subdivision.

Motion was made by Kavan, seconded by Lawver, to not approve the Preliminary Plat for Center Pointe Subdivision as presented, as it does not meet requirements of Sections 4.08 and 4.27 of the Wahoo Subdivision regulations. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion was made by Kavan, seconded by Lawver, to approve the request by Eagles Club FOE 2971 to sell alcoholic liquor before 12:00 p.m. on Sunday, October 18, 2020 (beginning at 8:00 a.m.) for their district meeting for local Eagles Clubs. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Harrell reported the Finance Committee met, and approved a 1.5% COLA change to the full time and regular part time wage scales. There will be no change to the seasonal part-time scale. Motion by Krejci, seconded by Warford, to approve the 1.5% COLA to wage scales for full time and regular part-time employees of the City of Wahoo, to be effective October 1, 2020. Roll call vote: Krejci, yes; Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Draft language was presented regarding change of procedures for declaration of potentially dangerous and dangerous animals, naming the Chief of Police as the Animal Control Authority, and providing for appeal of a decision to the Board of Adjustments. After discussion, it was agreed to provide for administrative appeal to the City Council. Chief Ferrell stated he would like to see discussion of changes to provisions relating to irresponsible ownership and insurance requirements.

Ordinance No. 2356 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE MUNICIPAL CODE OF THE CITY OF WAHOO, CHAPTER 96, DANGEROUS ANIMALS, was introduced by Warford. The Mayor then instructed the Clerk to read Ordinance No. 2356 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2356 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. 2356 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2356 be approved and passed and its title agreed to. Council Member Kavan seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Lawver, 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.

Waste Hauler license applications from the three companies currently doing business for residential waste removal were reviewed. Motion by Kavan, seconded by Nagle, to approve the waste hauler licenses for: Waste Connections, Roadrunner Transportation, and S-2. Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Magen Schachta of 301 West 13th Street addressed the Council with concerns about the Chestnut Street project and how it affects and changes her property. She stated there was no communication regarding the specific work to be done, and work was done on her property without obtaining easements. She stated concerns about her driveway, sidewalk, and fencing, and the offer of monetary compensation, and wanted the Council to be aware of the situation.

Mayor Johnson stated this would be reviewed to arrive at a solution.

Walker Speckmann also stated concerns about the Chestnut project.

Motion by Kavan, seconded by Nagle, to adjourn at 8:24 p.m.

Approved:

Lucinda Morrow, Clerk

Gerald D. Johnson, Mayor