

The Council met in special session by video conference and teleconference on zoom, in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska, and the City of Wahoo web site, and the Governor's Executive Order 2020-36, 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: Ryan Ideus, Chris Rappl, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. A zoom link was provided for public participation.

A motion was made by Krejci, seconded by Rappl to approve the consent agenda, including: 1) Minutes of the December 10, 2020 Council meeting; and 2) Licenses: Plumbers: Chad Harris, Harris Plumbing LLC; Steven Barnes, Veskerna Plumbing. HVAC: Richard Kusleika, Standard Heating & Air Conditioning; Paul Frazier, Frazier Company Inc; Alfred Retikis, Affordable Heating Heating & Cooling. ELECTRICIAN: Jesse Dunavan, Power D Inc. Colby Schutt, Schutt Electrical & Contracting. Roll call vote: Krejci, yes; Rappl, yes; Nagle, yes; Ideus, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

The Mayor stated the next action would be the third reading of Ordinance No. 2361. Harrell explained the process for hearing comments and time limit for speakers. City Attorney Lausterer explained the history of the Board of Health order and the Council's action on the first two readings of the Ordinance affirming that order. Terra Uhling of Three Rivers Public Health provided an update on positivity rates, and reported 13 deaths in Saunders County to date. Julie Rezac of SMC reported on testing at SMC hospital and clinic, and hospitalization rates. Dr. Hank Newburn discussed masks as public health measure and a way to protect the public from other people's poor choices.

Kyle Cooper of Wahoo, Barb Hart of Wahoo, Courtney Girmus of Ithaca, Adam Fogarty of Omaha, Fred Graber of Yutan, , Brit \_\_\_\_\_ of Papillion, Dr. Ben Tapper of Omaha, Jennifer Hicks of Peru, Rachel Woita of Wahoo, ?? \_\_\_\_\_ of Omaha, Allie French of Omaha, Gary Hanson of Wahoo, Jessica Bohaty of Wahoo, Angie Craft of Wahoo, and John Smith of Omaha spoke in opposition to the mask mandate.

Mayor Johnson stated he has received comments supporting the mask mandate. Krejci and Warford noted the hospital bed ratio numbers have dropped, lowering the risk level, a vaccine is now becoming available, and the current Board of Health Order is set to expire on January 4, 2021. Boop stated rather than a mandate, a recommendation to wear masks would be appropriate.

Ordinance No. 2361 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, REQUIRING FACE COVERINGS BE WORN IN PREMISES THAT ARE OPEN TO THE PUBLIC THROUGH JANUARY 4, 2021, was introduced for third reading by Rappl. The Mayor then instructed the Clerk to read Ordinance No. 2361 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2361 by title.

Council Member Rappl moved that Ordinance No. 2361 be approved and passed on third and final reading and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Rappl, yes; Warford, no; Ideus, no; Nagle, no; Krejci, no; and Boop, no. Motion failed.

Ordinance No. 2364 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO VOID THE BOARD OF HEALTH ORDER REQUIRING FACE COVERINGS BE WORN IN PREMISES THROUGH JANUARY 4, 2021, was introduced by Boop. The Mayor then instructed the Clerk to read Ordinance No. 2364 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2364 by title.

Council Member Ideus moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Nagle 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: Ideus, yes; Nagle, yes; Rappl, yes; Krejci, yes; Boop, yes; and Warford, 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. 2364 may be read by title and moved for final passage in the same meeting.

Council Member Boop moved that Ordinance No. 2364 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: Boop, yes; Krejci, yes; Ideus, yes; Nagle, yes; Rappl, no; and Warford, no. 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.

Tabled items remain tabled.

Harrell reported the Board of Public Works met and recommended approval of the Change Order, Pay Application, and substantial completion on Chestnut Street improvements. Jon Mooberry of JEO reported on Change Order No. 16 to adjust for materials not used for water and sewer work, as well as Pay Application No. 29, which includes payment for work done earlier which was not included in previous pay applications.

Motion by Krejci, seconded by Rappl, to approve Change Order No. 16 as presented. Roll call vote: Krejci, yes; Rappl, yes; Ideus, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Motion by Warford, seconded by Krejci, to approve Pay Application No. 29 to M E Collins Contracting in the amount of \$47,014.50 (\$10,941.50 City cost, \$36,073.00 utility cost). Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Nagle, yes; Ideus, yes; and Rappl, yes. Absent and not voting: none. Motion carried.

Mooberry reported all work except for a few exclusions and street lighting work has been completed and the warranty period has been established. Motion by Krejci, seconded by Nagle, to approve preliminary certificate of substantial completion of Chestnut Street improvements. Roll call

vote: Krejci, yes; Nagle, yes; Ideus, yes; Rappl, yes; Warford, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Motion by Nagle, seconded by Boop, to authorize the Wahoo Rescue Squad to solicit, charge or collect funds, fee, or charges for services as required under NE Statute 35-901. Roll call vote: Nagle, yes; Boop, yes; Krejci, yes; Rappl, yes; Warford, yes; and Ideus, yes. Absent and not voting: none. Motion carried.

No audience comments were presented.

The Mayor stated he appreciated the amount of work and soul-searching that went into consideration of the mask issue, and consultation with the Board of Health and other authorities will continue.

The next meeting date is Thursday, January 14, 2021.

Motion by Warford, seconded by Ideus, to adjourn at 8:45 p.m.

Approved:

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Lucinda Morrow, Clerk

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Gerald D. Johnson, Mayor