

**Council Chambers**

**Wahoo, Nebraska**

**September 14, 2021**

The Council met in regular session in the Wahoo City Hall, 605 North Broadway Street, 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: Ryan Ideus, Patrick Nagle, Karen Boop, Chris Rappl, Stuart Krejci, and Carl Warford. Absent: None.

The Mayor asked for audience comments on items not on the agenda, and none were offered.

Department head reports were given. Police Chief Ferrell reported that WPD would have a booth at the Harvest Festival. City Administrator Melissa Harrell reported that it was Streep Supervisor Dave Jansa's last City Council meeting before his retirement. Dave has been with the City for many years and will be missed by all. She also reported that the Safe Routes to School project was starting on Hackberry.

A motion was made by Warford, seconded by Ideus to approve the following items listed on the consent agenda: 1) Acceptance of excused absence of Mayor or Council member(s); 2) Minutes of August 24 and August 31, 2021 Meetings of Council; 3) Minutes of September 2, 2021 Planning Commission; 4) September Licenses:

**PLUMBER'S LICENSES:**

Tracy Nesson, Fud & Tracy's Plg & Htg, Wahoo, NE (Renew 6/14/22)

Brian Wiese, Wiese Plumbing & Excavating Inc, Fremont, NE (Renew 5/28/22)

Jeff Schoeneck, Horizon Envirotech, LLC, Cedar Bluffs, NE (NEW 8/30/22) Septic Only

M. Allen Moser, Moser Well Drilling & Service, Hickman, NE (NEW 8/1/22) Septic Only

Derek Turner, Bryant Htg & Air, Lincoln, NE (NEW 2/26/22)

**HVAC INSTALLERS - MECHANICAL LICENSES:**

David Snyder, Fud & Tracy's Plg & Htg, Wahoo, NE (Renew 6/14/22)

Martin Nelson, Marick Refrigeration, Des Moines, IA (NEW 1/20/22)

Jory Heiss, Comfortechs Heating & Air, Lincoln, NE (NEW 8/4/22)

**ELECTRICIAN'S LICENSES:**

Daniel Witthuhn, Dan's Electric LLC, Fremont, NE (NEW 8/17/22)

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

The Mayor opened the public hearing on North Highlands Subdivision Sanitary Sewer Improvement District No. 2021-01 and Storm Water Improvement District No. 2021-01 at 7:05 p.m. Melissa Harrell reported that this was to formally pass the resolution that was introduced earlier in August. Motion by Krejci, seconded by Warford to close the public hearing at 7:07 p.m. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Motion by Krejci, seconded by Ideus to approve Resolution 2021-09, a resolution of necessity that was previously introduced. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

The Mayor opened the public hearing on the North Highlands Subdivision street improvement district No. 2021-01 at 7:09 p.m. It was explained that this was to allow for anyone apposed to the creation of the district to state their remonstrances. Motion by Krejci, seconded by Nagle to close the public hearing at 7:10 p.m.

**Resolution No. 2021-17** confirming proper notice of districts and documentation of any objections was introduced by Krejci, who moved for approval, seconded by Ideus, as follows:

RESOLUTION NO. 2021-17

BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska as follows:

1. The Mayor and City Council heretofore adopted Ordinance No. 2374 creating Street Improvement District No. 2021-01; which ordinance was published as provided by law on August 19, 2021.
2. Notice of Creation of said Street Improvement Districts was given as provided by law by publication 2 consecutive weeks, on August 26, 2021 and September 2, 2021 as provided by law.
3. That objections were filed objecting to creation of the said Street Improvement District No. 2021-01 as follows:

None.

Passed this 14<sup>th</sup> day of September, 2021.

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

The Mayor opened the public hearing on the proposed One and Six year road plan at 7:12 p.m. It was noted that a right turn lane off-of Highway 77, on to 15<sup>th</sup> St., had been added to the plan. Motion by Krejci, seconded by Warford to close the public hearing at 7:14 p.m.

**Resolution No. 2021-18** approving the 1-6 Year Road Plan and authorizing submittal to NDOT, was introduced by Warford, who moved for approval, seconded by Ideus, as follows:

**Resolution No. 2021-18**

The following resolution was introduced by Warford, who moved its adoption, seconded by

Ideus:

WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Wahoo, and

WHEREAS, a public meeting was held on the 14<sup>th</sup> day of September, 2021, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wahoo, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.

Upon roll call vote as follows:

Krejci, yes  
Rappl, yes  
Ideus, yes  
Nagle, yes  
Boop, yes  
Warford, yes

DATED this 14<sup>th</sup> day of September, 2021.

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

The Mayor opened the public hearing on an application for a change of zoning of lots 10, 11, and 12 of Block 95, County Addition at 7:15 p.m. This will be a rezone of the Cliff House, to ensure that there is no spot zoning. The next public hearing on the agenda will cover a property adjacent to the Cliff House as well. Motion by Krejci, seconded by Ideus to close the public hearing at 7:17 p.m. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Ordinance No. 2375 entitled: AN ORDINANCE OF THE CITY OF WAHOO, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, BY CHANGING THE PRESENT ZONING OF THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: LOTS 10, 11 AND 12, BLOCK 95, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA COMMONLY KNOWN AS 1221 SPRUCE STREET, FROM C-2 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL DISTRICT, was introduced by Krejci. The Mayor then instructed the Clerk to read Ordinance No. 2375 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2375 by title.

Council Member Warford 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: Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, 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. 2375 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2367 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: Warford, yes; Krejci, yes; Ideus, yes; Rappl, yes; Nagle, 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.

The public hearing for the rezoning of 657 East 13<sup>th</sup> St. was left open from a previous meeting. With no public or staff comments, a motion was made by Krejci, seconded by Ideus to close the public hearing at 7:18 p.m. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Ordinance No. 2376 entitled: AN ORDINANCE OF THE CITY OF WAHOO, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, BY CHANGING THE PRESENT ZONING OF THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: LOTS 1 AND 2, BLOCK 95, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA COMMONLY KNOWN AS 657 EAST 13<sup>TH</sup> STREET, FROM C-2 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL DISTRICT, was introduced by Warford. The Mayor then instructed the Clerk to read Ordinance No. 2376 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2376 by title.

Council Member Warford 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 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: Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, 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. 2376 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2376 be approved and passed and its title agreed to. Council Member Nagle 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; Krejci, yes; Ideus, yes; Rappl, yes; Nagle, 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.

Brian Homes of 1855 N. Walnut St. Wahoo, NE, was present at the meeting to address the Council regarding a water-shed issue near a house he owns. He stated that the East side of Walnut Street, in between the homes on Walnut and the JEO building, was collecting large amounts of water when it rained and it could cause flooding of basements. He claimed this issue happened years ago and not much has been done since. Now with the addition of a new subdivision just North of the water issue, it is making things worse. Pictures were presented. There was a possible grant to help fix the issue, but Melissa Harrell explained that the cost/benefit ratio required for the grant was not able to meet standard. Melissa explained there were other things done, such as the box culvert placed under Chestnut to help the water issue. Law Director Jovan Lausterer stated that there is nothing legally the City can do to make the developer change anything. The City staff has been in contact with JEO about updating the drainage study and will continue looking into the issue.

The next item on the agenda was to authorize the Mayor to sign Completion Certificate and Cost Certificate for Wahoo State Bank TIF Project. This has been a project to help rebuild the Wahoo State Bank, they are sending in the approved expenditures so we can reimburse them. Motion by Warford, seconded by Rappl to authorize the Mayor to sign the above. Roll call vote: Rappl, yes; Ideus, abstain; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Chief of Police Bruce Ferrell recommended Council approve the purchase of a 2015 F250 with K9 upgrades, for use as a new K9 police vehicle. He explained that it was a great deal and would be hard to pass up. Motion by Krejci, seconded by Ideus to approve the purchase. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

The first pay application from Elkhorn Fencing in the amount of \$10,089.10 was submitted for Council review and approval. Motion by Warford, seconded by Ideus to approve the pay application. Roll call vote: Rappl, yes; Ideus, abstain; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

A proposed resolution to install No Parking signs along the E. side of Locust was tabled until the details could be finalized. There were concerns about the parking situation if we lost on street parking at that location.

The Mayor stated that the court date to try and get the title for Camel Hall would be on the 24<sup>th</sup> of September. He concluded that the General Committee will meet to discuss the future of the building.

The next meeting will be September 28, 2021.

Motion by Warford, seconded by Rappl to adjourn at 8:15 p.m.

Approved:

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Lucinda Morrow, Clerk

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Gerald D. Johnson, Mayor