

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 called for audience comments on items not on the agenda, and none were offered.

The Utilities department and Library reports were given. The Board of Public Works discussed the rising gas prices in their last meeting.

The Mayor gave a report on the meeting with NDOT regarding the 77/92/109 intersection. There were several stakeholders from the City and County at the meeting with the NDOT Director and engineers. Traffic studies were conducted on the intersection. It is deemed one of the most dangerous intersections in District One. There is a short term and long-term plan, the long term is to turn the intersection into a roundabout. The Chief of Wahoo PD and the Sheriff of Saunders County agreed the plan would be doable.

The Mayor and Melissa Harrell, City Administrator, gave a report on the Camel Center. TIF is a tool that could be used to develop the area. There are several options that we have for the property. The next step is for Council to discuss what they would like to see happen at that location.

Council had one correction for the October 12 minutes, a rephrasing of how the Camel Center was discussed last meeting. Motion by Krejci, 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 October 12, 2021 Meetings of Council; 3) Minutes of October 7, 2021 Planning Commission Meeting; 4) Minutes of October 12, 2021 Meeting of Library Board; 5) Licenses. 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 a possible rezone of the Chestnut Corridor from C-1 to C-3 at 7:10 pm. Melissa Harrell gave an overview of the rezone and why it was happening. This has been discussed several times with Council and Planning Commission. This will help formulate how the Chestnut Corridor will develop. The C-3 Zoning District was also amended to incorporate current uses as well as future probable uses. Jovan Lausterer, City Attorney, made the comment that we know we need to rezone, the question is to what?

The Mayor asked for comments from the public and asked that they keep their comments to nothing greater than five minute per person.

Brian Homes, owner of several properties along 15th Street, asked the Council what the purpose of the proposed rezone was. He also stated that the rezone should be on both sides of Chestnut. Jovan Lausterer stated the West side of Chestnut has more residents and is zoned differently. He asked why his building was in the rezone area. It was explained that the City is avoiding spot zoning. Brian asked if they had to rebuild how they would do so with a 25 ft. setback. He also had a letter from his attorney,

stating that this could be a taking of land by the City. Jovan Lausterer responded that the Nebraska Supreme Court had ruled on a similar manner for another community, in favor of the City. Travis Beavers explained that there is a variance process to go through if someone would need to rebuild, that could allow for exceptions.

Steve Otte of OOP Oil was present and asked about rebuilding his structure if it were destroyed. He also claimed he lost potential revenue from selling land that had been devalued from zoning.

Bryan Divis of Chief Motel was present and stated that the City needs to let people know in advance this was happening. Melissa Harrell explained that each property owner had been notified by mail 2 months before the hearing and that this issue had been in front of the planning commission and Council before this.

Joe Spicka of the Corner Market was present and stated that the business owners have invested a lot of money into their properties and that most would not be able to rebuild with the new setback requirements.

Clay Snelling of 740 Orange St. was present and claimed he was not personally a business owner but he wanted to add his input. He claimed that this would devalue the property owner's property and this not the right thing to do.

Carl Warford explained that it sounded like the setback was the biggest issue.

Larry Cuda of Cuda's Towing was present and stated that he had put in work to clean up his property and that this would hurt their property value.

Scott Tingelhoff, owner of property at 6th and Chestnut, was concerned he would not be able to do a lot split if the zoning changed.

Council stated they wouldn't want businesses building up to the lot line along Chestnut.

Eugene Jedlicka of 1799 North Sycamore was present and asked if the City would be lowering property taxes for those affected by the rezone.

Jerry Divis asked if there could be a committee created to meet with property owners to clarify the issues.

Travis Beavers, Zoning/Building Administrator, stated that there are many buildings out of compliance in the current zoning that would not be able to be rebuilt if destroyed.

Jovan Lausterer explained what the grandfather clause was and that none of the current owners would have to change anything after the rezone and neither would any potential buyers.

Motion by Warford, seconded by Krejci to close the public hearing at 8:25 pm. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

The Council discussed meeting with property owners individually. They asked when property owners were notified. Motion by Krejci to deny the proposed ordinance to rezone, seconded by Warford. 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 for discussion on a possible replat of lots 7, 8, and 9 of County Addition 151 at 8:45 pm. No public was present for the agenda item. Motion by Warford, seconded by Nagle to close the public hearing at 8:46 pm. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Travis Beavers explained it was a clean up and was being done on behalf of Scooters. Jovan Lausterer explained that the title of the replat needed to be changed. Motion by Krejci, seconded by Rappl to approve the replat. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

A former tabled item, a proposed resolution that would allow for the install of No Parking signs along Locust street near the school, was discussed. Council members had seen cars stacking around pick up time along Locust. The hope is people will come in from the North to pick up kids. There was an understanding that the City staff would work with the school to implement the signs and that it would be at staffs discretion when they are placed.

Resolution No. 2021-20 to approve the use of “No Parking” signs along Locust Street was introduced by Nagle, who moved for approval, seconded by Boop, 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 prohibiting parking 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 no parking signs, be erected at the following locations, all located in the City of Wahoo, Nebraska:

Along the east side of Locust Street between the north side of the driveway of property known as 19th Street and 23rd Street.

Section 3. That upon the approval of this Resolution and at the discretion of the Chief of Police, 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: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

The next item was to approve an agreement with Thiele Geotech for materials testing at North Highlands. The cost was included in the project estimates. This is standard for new subdivisions. Motion by Nagle, seconded by Ideus to approve the agreement. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

A proposed ordinance to amend the zoning code, section 4.12.05, accessory structures, was discussed. Travis Beavers explained that this had come before Council before but was sent back to the Planning Commission to clean up some of the language. The public hearing had been held on this item at the 7/27/2021 Council meeting so there was no need to have one again.

Ordinance No. 2377 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, KNOWN, AND CITED, AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005, BY THE AMENDMENT OF SECTION 4.12.05 ACCESSORY BUILDING AND USES, BY CHANGING ACCESSORY BUILDING DISTANCES FROM PRIMARY STRUCTURES, was introduced by Warford. The Mayor then instructed the Clerk to read Ordinance No. 2377 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2377 by title.

Council Member Nagle 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 Ideus 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. 2377 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2377 be approved and passed and its title agreed to. Council Member Rappl 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.

Council discussed a possible resolution to deem miscellaneous items surplus and sell them. **Resolution No. 2021-21** to approve was introduced by Krejci, who moved for approval, seconded by Ideus, as follows:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described personal property, to wit:

See Exhibit “A”

and,

WHEREAS, the City of Wahoo, Nebraska, does not have a present need to retain ownership of said above described personal property, and,

WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,

WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is less than \$5,000.00, as stated in the attached Exhibit “A”

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the above described personal property be sold by either sealed bid and/or public sale on a date, time, as advertised in a Notice of Sale of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the sale of said items, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,

2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required.

3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold "as is" without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer's possession of said items of personal property.

4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item."

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

A proposal for a wage and benefits comparability study was discussed. This would be the same company that conducted the 2016 study, they should be done every 5 years. The report should be ready 60-90 after the survey is complete. Wahoo Utilities will be paying half of the cost. Motion by Krejci, seconded by Nagle to authorize signing the contract with Capital City Concepts. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Council discussed proposals for health and dental insurances. The City offers a PPO and HAS plan for staff. Premiums are increasing. These are the best rates for the insurance they are providing. Motion by Krejci, seconded by Ideus to authorize proceeding with proposals. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

The Council discussed a possible interlocal agreement with the Village of Mead to provide a qualified water operator as necessary. The contract allows for us to walk away at anytime if need be. This should be a temporary solution. Motion by Rappl, seconded by Krejci to approve the agreement. Roll call vote: Rappl, yes; Ideus, yes; Boop, yes; Nagle, yes; Warford, yes; Krejci, yes. Absent and not voting: None. Motion carried.

Melissa Harrell noted that Joe Wynn started with the City this week as the new Street Superintendent. He has worked for Omaha Public Works for 20 years. He will be a great asset to the staff.

The city council went into deliberations to discuss the evidence presented at the hearing and whether the decision to discharge Officer Vilmont was necessary for the proper management and effective operation of the Police Department in the performance of its duties. Following deliberations and comments from all council members a motion was made by Warford, seconded by Krejci, to uphold the decision to discharge Officer Vilmont pursuant to municipal code section 34.32(D). Reasons stated within the motion in support of discharge included, but were not limited to, the poor judgment of Officer Vilmont in placing a recording device in the bedroom of a minor, violations of police ethical standards, the negative impacts holding his employment position open would have on a small municipal police force while he is undergoing prosecution of his alleged crimes and the poor judgment shown by Officer Vilmont for repeatedly being implicated in the alleged issues spanning multiple years. Voting in favor of discharge were Krejci, Warford, Ideus, Nagle, Rappl, and voting against upholding the discharge was Boop. Motion passed 5-1.

The next regular meeting will be November 9, 2021.

Motion by Warford, seconded by Ideus to adjourn at 9:36 pm.

Approved:

Cody Brem, Clerk

Gerald D. Johnson, Mayor