

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, Chris Rappl, Patrick Nagle, Karen Boop, Carl Warford, and Stuart Krejci. Absent: None.

A motion was made by Krejci, seconded by Nagle to approve the following items listed on the consent agenda: Approval of the minutes of the January 11 Council meeting, acceptance of the minutes of the January 6 Planning Commission meeting, approval of Jakob Robertson as a member of the Wahoo EMS Department, and approval of amendments to the Utility Billing Clerk and Office Assistant job descriptions and pay grade placements. Roll call vote: Krejci, yes; Nagle, yes; Ideus, yes; Rappl, yes; Boop, yes; and Warford, yes. Motion carried.

The public hearing on an application for a conditional use permit for a beer garden in the C-1 Downtown Commercial zoning district on property described as the West ½ of Lot 10, Block 150, County Addition to the City of Wahoo, commonly known as 128 West 5<sup>th</sup> Street, as filed by Copper Kong NE, LLC, dba Title's Lounge and Sports Bar was declared open by the Mayor at 7:04 p.m. The Mayor called for comments from the audience. Bruce Burkey of 1701 North Oak, Wahoo expressed concern about the exit gate (or what is also being used as an entrance gate) is accessed from the property owned by the Eagles. He expressed concern about the Eagles property being used for parking behind Title's and asked that the gate be used for emergency exit only. The Mayor called for additional comments and none were presented. A motion was made by Warford, seconded by Krejci, to close the public hearing at 7:15 p.m. Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

**Ordinance No. 2381** was introduced by Council Member Warford entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: WEST HALF OF LOT 10, BLOCK 150, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING DEVELOPMENT OF A BEER GARDEN, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER C-1 DOWNTOWN COMMERCIAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.12.03. The Mayor then instructed the Clerk to read Ordinance No. 2381 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2381 by title.

Council Member Krejci 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: Krejci, yes; Nagle, yes; Rappl, yes; Ideus, yes; Boop, yes; and Warford, yes. 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. 2381 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2381 be approved and passed and its title agreed to. Council Member Ideus 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; Ideus, yes; Nagle, yes; Rappl, yes; Krejci, yes; and Boop, yes.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature 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 on a staff recommendation and application for rezoning property from 23<sup>rd</sup> Street to Highway 77 between Chestnut Street and 17<sup>th</sup> Avenue Road, excluding a strip of land abutting the west side of Chestnut Street from C-3 General Commercial to R-2 Residential was declared open by the Mayor at 7:16 p.m. The Mayor indicated the Planning Commission had discussed this rezoning at length and were recommending this property be rezoned, followed by staff comments from City Administrator Harrell and Zoning Administrator Beavers. The Mayor called for comments from the public and none were presented. A motion was made by Warford, seconded by Krejci, to close the public hearing at 7:20 p.m. Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Nagle, yes; Rappl, yes; and Ideus, yes. Motion carried.

**Ordinance No. 2382** was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, 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: THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY NEBRASKA, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY 92, AND LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF 17<sup>TH</sup> AVENUE, AND LYING WEST OF THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID NORTHEAST QUARTER TOGETHER WITH THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY NEBRASKA, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF 17<sup>TH</sup> AVENUE FROM C-3 GENERAL COMMERCIAL TO R-2 RESIDENTIAL. The Mayor then instructed the Clerk to read Ordinance No. 2382 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2382 by title.

Council Member Krejci 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: =. 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. 2382 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2382 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: Krejci, yes; Rappl, yes; Ideus, yes; Nagle, yes; Boop, yes; and Warford, yes.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature 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 on an application for rezoning of property described as that part of the SW ¼ of the SE ¼ of Section 29, T15N, R7E, containing approximately 9.33 acres, (Lot 2, Christensen Addition, Saunders County) better known as 1740 County Road M, from TA-Transitional Ag to LLR-Large Lot Residential, as filed by Karla Curren was declared open by the Mayor at 7:24 p.m. The Mayor called for comments from the public and Karla Curren was present to provide explanation for her application. No other comments from the public were provided. A motion was made by Warford, seconded by Ideus, to close the public hearing at 7:26 p.m. Roll call vote: Warford, yes; Ideus, yes; Nagle, yes; Rappl, yes; Krejci, yes; and Boop, yes. Motion carried.

**Ordinance No. 2383** was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, 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: LOT 2, CHRISTENSEN ADDITION, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA FROM TA-TRANSITIONAL AG TO LLR-LARGE LOT RESIDENTIAL. The Mayor then instructed the Clerk to read Ordinance No. 2383 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2383 by title.

Council Member Warford 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 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: Warford, yes; Ideus, yes; Krejci, yes; Boop, yes; Nagle, yes; and Rappl, yes. 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. 2383 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2383 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: Krejci, yes; Rappl, yes; Ideus, yes; Nagle, yes; Boop, yes; and Warford, yes.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature 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 on an application for a subdivision known as Christensen Addition, a 147.26-acre tract of land located in part of the SW ¼ of the SE ½ of Section 28, T15N, R7E, as filed by Karla Curren was declared open by the Mayor at 7:28 p.m. Explanation was offered by Beavers and Karla Curren was present to answer questions. The Mayor called for comments from the public and none were presented. A motion as made by Warford, seconded by Ideus, to close the public hearing at 7:30 p.m. Roll call vote: Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Krejci, yes; and Boop, yes. Motion carried.

A motion was made by Krejci, seconded by Nagle to approve the Final Plat for Christensen Addition, a subdivision in the southeast quarter of Section 28, Township 15 North, Range 7 East of the Sixth Principal Meridian, Saunders County, Nebraska, as presented. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; and Rappl, yes. Motion carried.

A motion was made by Krejci to recommend approval of an application for a Special Designate License to the Nebraska Liquor Control Commission for the Knights of Columbus Council 1833 for events on February 25, March 4, March 11, March 18, March 25, and April 1, 2022 from 4:00 p.m. to 10:00 p.m. at St. Wenceslaus Church Basement, 211 East 2<sup>nd</sup> Street, seconded by Rappl. Roll call vote: Krejci, yes; Rappl, yes; Boop, es; Warford, yes; Nagle, yes; and Ideus, yes. Motion carried.

A motion was made by Warford to recommend approval to the Nebraska Liquor Control Commission of the Manager's Application for Bruce Burkey to be manager of FOE Aerie 2971, seconded by Ideus. Roll call vote: Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Krejci, yes; and Boop, yes. Motion carried.

Harrell presented an updated Wellhead Protection Area Map that was approved by the Nebraska Department of Environment and Energy in January 2022. Harrell further explained that an ordinance to provide for the defined area protected by any future enforcement actions needed to be considered. **Ordinance No. 2384** was introduced by Council Member Warford entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA TO DESIGNATE A WELLHEAD PROTECTION AREA, AS APPROVED BY THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY, WELLHEAD PROTECTION PROGRAM, DATED JANUARY 2022, TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH. The Mayor then instructed the Clerk to read Ordinance No. 2384 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2384 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 Warford 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: Ideus, yes; Warford, yes; Boop, yes; Rappl, yes; Nagle, yes; and Krejci, yes. 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. 2384 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2384 be approved and passed and its title agreed to. Council Member Ideus 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; Ideus, yes; Boop, yes; Nagle, yes; Krejci, yes; and Rappl, yes.

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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature 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.

Harrell presented a slate of names of the members of the Wahoo Volunteer Fire and EMS Departments that qualified for the Nebraska Volunteer Emergency Responders Incentive Act for 2021, to provide an income tax credit to qualified volunteers. A motion was made by Krejci, seconded by Nagle to approve the list of names as submitted. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Ideus, yes; Rappl, abstained; and Warford, abstained. Motion carried.

Beavers, who was not present at the beginning of the meeting, provided his Department Head report including information on the upcoming Scooters Conditional Use Permit, the planned demolition of the old Wahoo Locker Building and a forthcoming Conditional Use Permit application for expansion of a non-conforming business, and completion of the Otte Oil Building in Airpark.

Johnson reported on the STAR WARS committee of the Nebraska Legislature and the planned recreation improvements for water bodies across the state, with most discussion on the proposed 4,000-acre lake near Ashland.

It was reported discussion on the Camel Center, TIF Policy and the Fremont Port Authority application would be on upcoming agendas.

A motion was made by Warford, seconded by Rappl, to adjourn the meeting at 7:58 p.m. Roll call vote: Warford, yes; Rappl, yes; Ideus, yes; Nagle, yes; Krejci, yes; and Boop, yes. Motion carried.

The next regular meeting will be February 8, 2022.

Approved:

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Melissa M. Harrell, Actin City Clerk

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Gerald D. Johnson, Mayor