

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 website, 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.

The Mayor signed a proclamation declaring April 3-9, 2022 as National Library Week in Wahoo.

Council Member Krejci moved and Council Member Ideus seconded to approve the consent agenda including the approval of Council minutes of March 8, 2022; acceptance of BPW minutes of February 16, 2022, Library Board minutes of February 8, 2022, and Planning Commission minutes of March 3, 2022; approval of amendment to personnel policy regarding calculation of overtime for police officers; amendments to job descriptions for Second and Third Class Lineman; and approval of Chase Landry and Tyler Virgl as members of the Wahoo Volunteer Fire Department. Roll call vote: Krejci, yes; Ideus, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford yes. Motion carried.

A public hearing regarding an application to construct a ground monument sign on Lots 7-9, Block 151, County Addition as filed by 6 Java Boys was opened at 7:05 p.m. No comments from the public were received. Council Member Warford motioned, and Council Member Ideus seconded to close the public hearing at 7:07 p.m. Roll Call vote Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Krejci, yes; Boop, yes. Motion carried.

**Ordinance No. 2388** 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: LOTS 7, 8, AND 9 BLOCK 151, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING ERECTION OF GROUND MONUMENT SIGN, AND ESTABLISH CONDITIONS FOR SAID USE. The Mayor then instructed the Clerk to read Ordinance No. 2388 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2388 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; Boop, yes; Warford, yes; Ideus, 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. 2388 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2388 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; Rappl, yes; Nagle, yes; Krejci, yes; Boop, yes; and Ideus, yes. 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 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 regarding a final plat for Hart's Subdivision, a replat of Lots 1-3, Block 177, County Addition providing for a combination of lots into one lot for building purposes, as filed by Eric Hart was declared open at 7:08 p.m. No comments from the public were received. Council Member Krejci motioned, and Council Member Rappl seconded to close the public hearing at 7:09 p.m. Roll call vote Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes. Motion carried.

Council member Warford motioned, and Council Member Ideus seconded to approve the final plat for Hart's Subdivision, a replat of Lots 1-3, Block 177, County Addition providing for a combination of lots into one lot for building purposes as submitted. Roll call vote Warford, yes; Ideus, yes; Rappl, yes; Nagel, yes; Krejci, yes; Boop, yes. Motion carried.

Council Member Boop removed herself from the Council Chambers at 7:10pm.

The public hearing regarding a final plat of Hospital Subdivision First Replat, a replat of Lot 1 of Hospital Subdivision, providing for a split of one lot into three lots as filed by Sabatka Bros., Inc. was opened at 7:10 p.m. No comments from the public were received. Council Member Rappl motioned, and Council Member Krejci seconded to close the public hearing at 7:11 p.m. Roll call vote Rappl, yes; Krejci, yes; Nagle, yes; Warford, yes; Ideus, yes; Boop, absent and not voting. Motion carried.

Council Member Warford motioned, and Council Member Krejci seconded to approve the final plat of Hospital Subdivision First Replat, a replat of Lot 1 of Hospital Subdivision, providing for a split of one lot into three lots as filed by Sabatka Bros., Inc. as submitted. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Rappl, yes; Nagle, yes; Boop, absent and not voting. Motion carried.

The public hearing regarding an application for conditional use permit for a Class I liquor license for property commonly known as 450 N Chestnut, Suite 4, as filed by Good Life Boutique was opened at 7:12 p.m. No comments from the public were received. Council Member Warford motioned, and Council Member Ideus seconded to close the public hearing at 7:13 p.m. Roll call vote Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Krejci, yes; Boop, absent and not voting. Motion carried.

Council Member Boop returned to the council chambers.

**Ordinance No. 2389** was introduced by Council Member Warford entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO GRANT A CONDITIONAL USE PERTAINING TO THE

FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOTS 5-8 & W 4.84' LOTS 4 & 9 BLOCK 152 COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA (SUITE 4 ONLY) BY ALLOWING FOR THE OBTENTION OF A CLASS I LIQUOR LICENSE, 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. 2389 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2389 by title.

Council Member Rapple 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: Rappl, yes; Ideus, yes; Nagle, yes; Krejci, 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. 2389 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2389 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. 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 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.

Council Member Krejci moved to approve an application for a driveway onto Old Hwy 77 from property owned by TJ Group Investments, LLC, including the necessary drainage improvements; Council Member Rappl seconded. Roll call vote: Krejci, yes; Rappl, yes; Boop, yes; Warford, yes; Ideus, yes; Nagel, yes. Motion carried.

Council Member Krejci introduced the following resolution, **Resolution No. 2022-06**, to amend the City of Wahoo Cemetery Fees and regulations and moved for approval, seconded by Nagle.

“WHEREAS, it is necessary for the staff of the City of Wahoo to provide services, materials and products, permits, and facilities for use by the public, that will be reimbursed by said members of the public, and,

WHEREAS, it is necessary for the Mayor and City Council of the City of Wahoo to establish and adopt, by resolution, a schedule of appropriate fees and charges as are necessary to recover City costs in providing City services, materials, permits, and products,

WHEREAS, it is desirable to maintain a Master Fee Schedule which provides a compilation of fees and charges assessed by the departments of the City of Wahoo, as attached herein,

WHEREAS, the City did, on March 11, 2021 adopt a Master Fee Scheduled, containing Attachments 1 to 9 as follows:

- Attachment 1: General Fund Fees and Charges
- Attachment 2: Police Department Fees and Charges
- Attachment 3: Street Department Fees and Charges
- Attachment 4: Cemetery Fees and Charges
- Attachment 5: Park and Recreation Fees and Charges
- Attachment 6: Rescue Squad Fees and Charges
- Attachment 7: Wahoo Public Library Fees and Charges
- Attachment 8: Building Department Fees and Charges
- Attachment 9: Zoning Department Fees and Charges

WHEREAS, it is necessary to update particular Attachments to adopt changes to said fees and charges, specifically Attachment 4 regarding Cemetery Fees and Charges.

THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wahoo that the following amendments to Attachment 4: Cemetery Fees and Charges are hereby adopted and are to be incorporated into the City of Wahoo's Master Fee Resolution, and

**ATTACHMENT 4 TO MASTER FEE SCHEDULE  
EFFECTIVE FEBRUARY 1, 2022**

WHEREAS, TITLE IX, GENERAL REGULATIONS, Chapter 92: Cemeteries of the Wahoo Municipal Code, pertains to the operation and maintenance of the cemeteries of the City of Wahoo, Nebraska, and,

WHEREAS, the City of Wahoo, Nebraska, maintains three (3) cemeteries designated as follows:

- a. Wahoo Cemetery (Greenwood Cemetery);
- b. K of H Cemetery (Sunrise Cemetery);
- c. Sunrise North Cemetery (Sunrise North Cemetery),

and,

WHEREAS, Section 92.01 of Chapter 92 of Article IX of the Wahoo Municipal Code specifies that all rules and regulations for the operation of the cemeteries shall be adopted by the City Council of the City of Wahoo, Nebraska, for the efficient operation of the cemeteries, and,

WHEREAS, it is the desire of the Mayor and Council of the City of Wahoo, Nebraska, to establish rules and regulations for the efficient operation of the cemeteries, to include fees and costs for various activities and items for said cemeteries, and,

WHEREAS, prior hereto, the Mayor and Council of the City of Wahoo, Nebraska, have adopted one or more Resolutions pertaining to rules and regulations for the efficient operation of said cemeteries, to include fees and costs for various activities and items for said cemeteries, and,

WHEREAS, it is the desire of the Mayor and Council of the City of Wahoo, Nebraska, to amend and revise said rules and regulations and to substitute therefore new rules and regulations, including fees and costs, as set forth within this Resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, as follows:

1. That the findings here and above made should be and are hereby incorporated herein by reference as fully as if set out at length herein.

2. That all persons desiring to bury a deceased person, or disinter a dead body, within the cemeteries of the City of Wahoo, Nebraska, shall be required to comply with all applicable Statutes of the State of Nebraska pertaining thereto and all Ordinances and Rules and Regulations of the City of Wahoo, Nebraska, pertaining thereto.

3. That the following shall be the fees and costs for the various activities and items noted therein:

**A. Grave Spaces**

K of H Cemetery (Sunrise Cemetery)	\$400.00 per space
Sunrise North Cemetery (Sunrise North Cemetery)	\$400.00 per space
Wahoo Cemetery (Greenwood Cemetery)	\$400.00 per space
K of H Cemetery (Sunrise Cemetery), Babyland	\$200.00 per space
Wahoo Cemetery (Greenwood Cemetery)	
Potter's Field	\$200.00 per space

**B. Grave Opening and Closing Fees**

*NOTE: Saturday morning open/close is not available on holiday weekends observed by the City of Wahoo. Grave openings and/or closings that need to be completed AFTER 4:00pm on a weekday or after Noon on a Saturday will incur an additional \$200.00 charge.*

Graves for children under five years of age	\$300.00 per grave
Saturday morning fee (8:00 a.m. to Noon)	+\$400.00
All graves for persons over five years of age	\$600.00 per grave
Saturday morning fee (8:00 a.m. to Noon)	+\$400.00
Crematory Urns (no vault)	\$300.00 per grave

Saturday morning fee (8:00 a.m. to Noon)	+\$200.00
Crematory Urn (with vault)	\$400.00
Saturday morning fee (8:00 a.m. to Noon)	+\$200.00
<u>Grave openings and/or closings that need to be completed AFTER 4:00pm on a weekday will incur an additional \$200.00 charge.</u>	

**C. Disinterment Fees (includes re-burial in same location)**

Urn	\$500.00 per grave
Baby Grave (Under 5 years of age)	\$500.00 per grave
Adult Grave	\$1,200.00 per grave

**D. Foundations**

*Note: Foundations are poured with footings to ensure stability and longevity. For double monument foundations an 8" separation between the monuments will be used unless otherwise specified*

Foundations, unless otherwise listed	\$.55 per square inch
Foundations for in-ground vases	\$80.00 per vase
Foundations for Veteran's bronze markers	\$250.00 each
Cement urn pads for cement urns	\$50.00 per pad

**E. Concrete Vases**

*Note: Vases and bases are poured when time and materials allow this to be done so they are not available on a regular bases. There is no warranty provided on vases or bases. Vases and bases must be placed in-line with monuments and shall not be placed in front of or behind a monument.*

Concrete Vase (flower urn)	\$50.00 per vase*
Concrete Base	\$25.00 per base*

\*plus applicable sales tax

4. That the following shall be the rules and regulations for all cemeteries of the City of Wahoo, Nebraska:

**A. Grave Opening and Closing**

1. The City shall open and close all adult graves, baby graves, and crematory urn spaces.
2. Occupancy of a grave space shall be limited as follows:
  - a. One regular deep vault burial and one cremation or cremation urn
  - b. Two cremations or cremation urns

**B. Disinterment**

1. Fee listed above includes re-burial in existing location
2. Movement from one site to another within the City's cemeteries will mean the incurring of both disinterment costs and opening/closing costs.
3. Moving of the vault will be done by vault company.

**C. Foundations**

1. The City shall set all foundations for cemetery markers for the monument companies.
2. The minimum size of a foundation for an in-ground vase is 12" X 12" X 10".
3. Foundations for vases must be concrete.
4. The foundations will be poured so that there will be a minimum of a 4" wash from all sides of a monument.
5. The foundations for a double monument will include an 8" separation between the monuments.
6. Cement urn pads for cement urns must have a minimum size of 12" X 12" X 5"
7. Foundations for vases or cement urn pads must be in line with monuments and shall not be placed behind or in front of a monument.

**D. Markers**

1. Maximum height for personal or private cemetery markers in K of H Cemetery (Sunrise Cemetery) and Sunrise North Cemetery (Sunrise North Cemetery) shall be three feet including foundation.
2. All markers in Babyland located in K of H Cemetery (Sunrise Cemetery) shall be flush with ground level and shall not be larger than 8" X 16".
3. All markers that have been set will be inspected by City personnel only.
4. Organizational and/or commemorative markers which are not set as part of the foundation in a permanent flag holder may not be placed unless for a special event (i.e. Veteran's Day, Fireman's Memorial event, etc.) which shall first be approved by the Cemetery Sexton and City Administrator.

**E. Mausoleums**

1. No mausoleums shall be allowed in the City's cemeteries except in Block 14, Third Addition to K of H Cemetery (Sunrise Cemetery).

**F. Decoration and ornamentation of graves**

1. New graves may be decorated with floral sprays and arrangements immediately following interment. The City will remove the decorations one week following interment, or before if the decorations become unsightly.
2. No plantings shall be permitted on graves.
3. From May 1<sup>st</sup> to October 1<sup>st</sup>, artificial flowers and plants must be in permanent containers. Temporary containers dug or set into the ground (such as a jar, can or sleeve) are not allowed.
4. No grave blankets shall be permitted.
5. No temporary markers shall be permitted.
6. No yard ornaments, figurines, or stuffed animals shall be permitted.
7. No shepherd's planters, wreath stands or hooks, wind chimes, or decorations shall be permitted.
8. No dogs permitted.
9. No lighting shall be permitted, except that lighting which is built into the monument.

10. No open flames such as a candle or torch permitted.
11. No glass items such as a jar, vase, or glass in a frame permitted.
12. Memorial Day decorations:
  - a. Additional grave decorations will be permitted one week before and one week after Memorial Day;
  - b. Items left on graves after one week after Memorial Day shall be removed by City and stored at the Cemetery Shed located at K of H Cemetery (Sunrise Cemetery) for two weeks at which time they will be thrown away.
13. The City shall not be responsible for lost items in the cemeteries.”

Roll call vote Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, yes. Motion carried.

City Administrator Harrell presented information to the Council on the ARPA Funding the City of Wahoo has and will receive from the Federal Government, to total just over \$800,000. The allowable uses of the funds were explained. A request for the obligation of \$300,000 of these funds for water improvements to be constructed as part of the 2022 Asphalt Overlay and Street Improvement project was reviewed with the Council by Harrell. After discussion, a motion was made by Council Member Boop and seconded by Council Member Ideus to approve the allocation of \$300,000 of ARPA funding to the water improvements. Roll call vote Boop, yes; Ideus, yes; Warford, yes; Rappl, yes; Nagle, yes; and Krejci, no. Motion carried.

Council Member Warford motioned, and Council Member Ideus seconded to accept the one bid received for the 2022 Asphalt Overlay and Street Improvement Project and authorize award of the contract to M.E. Collins Contracting for \$1,392,019.80. Roll call vote Warford, yes; Ideus, yes; Rappl, yes; Nagel, yes; Krejci, yes; Boop, yes. Motion carried.

Council Member Krejci motioned, and Council Member Nagle seconded to authorize contracts with JEO Consulting Group for construction administration, oversight, and staking, and with Thiele Geotech for material testing for the 2022 Asphalt Overlay and Street Improvement Project. Roll call vote Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, yes. Motion carried.

Council Member Krejci motioned, and Council Member Boop seconded to approve the third and final reading of **Ordinance No. 2386** to provide for an increase in water rates for Wahoo Utilities customers, effective April 1, 2022. Roll call vote Krejci, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, yes; Nagel, yes. Motion carried.

Council Member Krejci motioned, and Council Member Boop seconded to approve Pay Application #4 to M.E. Collins Contracting for North Highlands Subdivision Improvements in the amount of \$74,118.96. Roll call vote Krejci, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, yes; Nagel, yes. Motion carried.

Council Member Krejci introduced the following resolution, **Resolution No. 2022-05**, to declare 1997 Chevy K1500 truck used by Street Department as surplus property with a value of \$250, seconded by Rappl:



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

1997 Chevrolet K1500 (\$250 value) 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 Krejci, yes; Rappl, yes; Boop, yes; Warford, yes; Ideus, yes; Nagel, yes. Motion carried.

Council Member Krejci motioned, and Council Member Nagle seconded to approve the FY 2020-21 Audit for the City of Wahoo as presented. Roll call vote Boop, yes; Warford, yes; Ideus, yes; Rappl, yes. Motion carried.

Council Member Warford motioned, and Council Member Krejci seconded to approve the audit waiver for Wahoo Public Building & Grounds Association for December 31, 2021. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Rappl, yes; Nagel, yes; Boop, yes. Motion carried.

Following all action items, the following comments were made by members of the public and the Mayor and Council Members:

Mike Sullivan asked about the ability to have apartments on the first floor of some downtown buildings. The Mayor advised that that topic would need to be approved by the Planning Commission and then brought to the council.

Council Member Rappl asked about plans that had been purposed at the last City Council meeting for the City Hall remodel. The Mayor stated that there will be a need for a work session to have a larger discussion about the options presented.

Mayor Johnson asked to change to format of the meetings to allow for public comment at the beginning of the meeting.

City Administrator Harrel advised that other cities have pay items as part of their consent agenda. She explained that if there was a concern about an item it could be pulled from the consent agenda. The Council was in favor of adding pay items to the consent agenda for future meetings.

The next regular meeting is April 12, 2022, at 7:00pm.

Approved:

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Melissa Harrel, Acting City Clerk

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Gerald D. Johnson, Mayor