

The Council met in regular session in the Wahoo Public Library, 637 Maple 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, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

The Mayor announced proclamations: Municipal Clerks week (May 2-8, 2021); EMS Week (May 16-22, 2021); and National Police Week (May 11-16, 2021).

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

A motion was made by Warford, seconded by Boop to approve the consent agenda: 1) Minutes of the April 8, 2021, Council meeting; 2) Minutes of the April 1, 2021 meeting of Planning Commission; 3) appointment of Brian Homes to the Wahoo Airport Authority (term to end 12/2022); 4) Approval of Leah Sommer and Walter Storey as members of the EMS Department; 5) Approval of job descriptions and placement on wage scale: City Clerk, Treasurer/Human Resources, and Water/Gas Construction Supervisor. Roll call vote: Warford, yes; Boop, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Ideus, yes. Absent and not voting: none. Motion carried.

Ideus reported the Board of Public Works met April 21, 2021. Harrell presented the annual TIF report as required by statute. She reported the policies and procedures for the TIF process are under review, and updates may be suggested.

Beavers reported the Planning Commission discussed the North Highlands Subdivision and recommended that the street width of Locust be 31 feet. Kyle Vohl of E & A Consulting and Eric Booth provided information on the planned subdivision, consisting of 89 lots, and discussed the phases of development. Street pavement width was discussed, and right-of-way width will be 60 feet. Harrell reported staff has been working with the development group since November on their plans, and are working on the subdivision agreement.

The public hearing on application for Subdivision known as North Highlands, a 38.519 acre tract located in part of the SE ¼ NE ¼ and part of SW ¼ NE ¼ 33-15-7 and preliminary plat was opened at 7:12 p.m. The Mayor asked for comments from the public. Theresa Klein of the Wahoo Chamber and Economic Development stated housing is a need noted during strategic planning, and this development has great potential. Krejci moved to close the public hearing at 7:14 p.m., seconded by Warford. Roll call vote: Krejci, yes; Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Beavers reported the plat has been reviewed, and lot size and right-of-ways meet requirements. Pavement width of 28 feet versus 31 feet is still being discussed, and will be discussed by the Street Committee before Final Plat is presented. Hurst reported no issues with utility plans. Motion by Krejci, seconded by Ideus, to approve the application for subdivision and preliminary plat for North Highlands subdivision by Water Tower Place LLC, with notation of 31 foot pavement width. Roll call vote: Krejci, yes; Ideus, yes; Rappl, yes; Nagle, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Public hearing reopened at 7:20 p.m. on application for Class I Liquor License filed by Good Life Boutique. Emily Novak, applicant, reported her business was originally internet-based, however due to customer requests, the warehouse space has transitioned into a boutique. The intent is to provide a shopping experience for customers which includes availability of alcohol for sampling or purchase, similar to that provided in other communities at shops, salons, and spas, with occasional group events upon request. She understands this is a big responsibility and has no intent to operate a bar. Chief Ferrell reported discussion with the business owner and other businesses. He reported other liquor license holders obtain liquor liability insurance, and recommended this be a condition of approval. He expects there will be more similar applications in the future. City Attorney Lausterer discussed a possible amendment to zoning regulations to create a conditional use permit for businesses that are not primarily liquor establishments, to provide for review and oversight. No other public comments were received. Warford moved to close the public hearing, seconded by Nagle, at 7:37 p.m.. Roll call vote: Warford, yes; Nagle, yes; Krejci, yes; Boop, yes; Ideus, yes; and Rappl, yes. Absent and not voting: none. Motion carried.

Motion was offered by Warford, seconded by Ideus, to recommend approval of the application for Class I Liquor license filed by Good Life Boutique, with stipulation the business obtain liquor liability insurance. Roll call vote: Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Boop, yes, and Krejci, yes. Absent and not voting: none. Motion carried.

Dave Henke of JEO Consulting Group reported additional fundraising for Dog Park fencing has been successful, and recommended the Council accept the bid provided by Elkhorn Fencing and approve entering into a contract for completion of work. Motion by Warford, seconded by Ideus, to accept the bid provided by Elkhorn Fencing, and approve entering into a contract for construction. Roll call vote: Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. Motion carried.

Energy Ordinance remains tabled.

Jon Mooberry reported on additional work done for the Chestnut Street project and street lighting. Harrell stated she is comfortable with the amendment to the engineering agreement. Motion by Krejci, seconded by Rappl, to approve amendment of engineering agreement with JEO for Chestnut Street Project. Roll call vote: Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; and Ideus, yes. Absent and not voting: none. Motion carried.

Pay Application #30 to M E Collins Contracting for Chestnut Street Project was reviewed. Motion by Warford, seconded by Krejci, to approve Pay Application #30 for street lighting for Chestnut Street project in the amount of \$51,787.97 to M E Collins Contracting. Roll call vote: Warford, yes; Krejci, yes; Boop, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Harrell reported no issues with the Liberty House were noted during staff meeting, but a letter will be sent to HHS to request an inspection of the facility, since the last inspection was in 2014, and this should be done at least every five years. Review in one year was recommended.

Ordinance No. 2368 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO EXTEND THE CONDITIONAL USE PERMIT FOR ASSISTED LIVING FACILITY IN R-2 RESIDENTIAL DISTRICT, was introduced

by Warford. The Mayor then instructed the Clerk to read Ordinance No. 2368 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2368 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: Warford, yes; Nagle, yes; Krejci, yes; Boop, 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. 2368 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2368 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; Krejci, yes; Nagle, yes; Boop, yes; and Ideus, 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.

Beavers reported the request for alignment of frontages has been modified due to finding an error in Assessor's information, and the applicant modified the building permit. This still requires approval by the Council due to not meeting setback. Motion by Krejci, seconded by Nagle, to approve alignment of frontage as requested for garage addition at 161 South Linden Street. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes, and Rappl, yes. Absent and not voting: none. Motion carried.

Beavers and Kevin Hittle reported on the request for alignment of frontage of an addition to St Wenceslaus Elementary School. This will match the existing building at 108 N Linden Street. No issues noted with utilities. Motion by Krejci, seconded by Rappl, to approve the alignment of frontage as requested. Roll call vote: Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; and Ideus, yes. Absent and not voting: none. Motion carried.

Mike Weiss of St. Wenceslaus School reported the school is working on a plan for pick up and drop off of students at school during construction of the addition which includes making a portion of Linden Street one way temporarily. This will be reviewed by staff and the Street Committee.

Harrell reported a claim for water damage to Maly's Landing, 128 West 5th Street was submitted by Mike Maly. The Board of Public Works reviewed the claim at their April 21, 2021 meeting. Mike Maly was advised of the Board of Public Works and City Council meetings, but was not present at either meeting. The Board of Public Works reviewed the claim and staff reports, and unanimously voted to recommend the claim be denied. Hurst reviewed the events leading up to the claim. City staff excavated and repaired a damaged curb stop that served the business. The customer service line was lead pipe, which had to be replaced by a private contractor before service could be reconnected. Hurst reported

procedure was followed by city staff to repair and replace the city equipment and reconnect service. He noted the documents provided by Maly were estimates, not invoices. Lausterer explained the tort claims act and process for claims.

A motion was made by Krejci, seconded by Ideus, to deny the claim for damages at Maly's Landing, 128 West 5th Street, as submitted by Mike Maly. Roll call vote: Krejci, yes; Ideus, yes, Rappl, yes; Nagle, yes; Boop, yes; and Warford, no. Absent and not voting: none. Motion carried.

The Mayor reported on LB 408 in the Legislature, limiting property tax growth to three percent a year, this bill is opposed by the League. Harrell noted LB 644 requires certain political subdivisions who request more property tax dollars than the prior year must participate in a joint public hearing of all entities, with notice mailed to every property owner by post card of the change and hearing date.

Harrell reported under the American Rescue Act, Wahoo will receive aid to recover lost revenue. Guidance documents are expected in May.

The hiring process for City Clerk and City Treasurer/Human Resources is complete, and the new persons will start May 3, 2021. Lucinda Morrow was recognized for 22 years of service with the City of Wahoo.

The next meeting will be Tuesday, May 11, 2021, at the City Council Chambers, 605 North Broadway Street.

Motion by Krejci, seconded by Boop, to adjourn at 8:24 p.m.

Approved:

Lucinda Morrow, Clerk

Gerald D. Johnson, Mayor