**Council Chambers Wahoo, Nebraska February 22, 2022**

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. Absent: None.

City Administrator Melissa Harrell addressed changes to the Wahoo Tax Increment Financing Policy (TIF). This included a change to the members of the TIF committee as well as adding residential development as a potential project use, but only in in-fill development situations.

Motion by Krejci, seconded by Ideus to approve the consent agenda including the minutes of 2/8/2022 Council meeting, 1/14/2022 Board of Public Works meeting, 2/8/2022 Library Board meeting, 2/3/2022 Planning Commission meeting, Appointment of Christina Fasel as City Clerk, Appointment of Joseph Baudler as Chief of Police, and approval of an Event Permit for the 2nd annual Summerfest on May 21st. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

The Mayor declared the public hearing regarding an application to allow for a conditional use permit to construct a coffee kiosk in the C-1 Downtown Commercial zoning district on Lots 7-9, Block of 151, County Addition open at 7:09 p.m. Before allowing comment from the public, Travis Beavers, city Building Inspector, advised that the city Planning Commission recommended approval, conditional to the adherence to the city of Wahoo transportation corridor requirements, compliance with Wahoo zoning for signage, and landscaping requirements. No comments were made by the public. A motion was made by Warford and seconded by Ideus to close the public meeting at 7:10 p.m. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Krejci, yes; Rappl, yes; and Nagle, yes. Motion carried.

**Ordinance No. 2385** 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 WSTATE, 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 DEVELOPMENT OF A COFFEE KISOK, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER C-1 DOWNTOWN COMMERICAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.12.03. The Mayor then instructed the Clerk to read Ordinance No.2385 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2385 by title.

Council Member Krejci moved that the statutory rules regarding 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 Rappl 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; Rappl, yes; Boop, yes; Warford, yes; Ideus, yes; and Nagle, 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 regarding the passage and approval of ordinance be suspended so that Ordinance No. 2385 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2385 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; Krejci, yes; Rappl, yes; and Nagle, yes; 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.

City Administrator Melissa Harrell brought forth estimates for three projects that have stemmed from the flooding in 2019. These projects have had funds allocated for their completion during the 2021 fiscal year. Harrell reviewed the engineer’s opinion of costs with the Council and indicated the estimates were less than the original estimate programmed by FEMA for the needed repairs. She further indicated the plans and specifications for each program need to be approved and authorization to call for bids be provided.

1. Guardrail project for Wahoo Creek on Chestnut Street. Estimated cost of repair $13,882.00. A motion to approve plans and specifications as well as call for bids was made by Krejci and seconded by Nagle. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; and Rappl, yes Motion carried.
2. Bridge Embankment project for Wahoo Creek bridge on Chestnut Street. Estimated cost $37,878.00. With this project there is a share of costs with FEMA, who will pay for 75%, and NEMA, who will pay for 12.5%. That leaves the remaining 12.5% funded by the City. A motion to approve plans and specifications as well as call for bids was made by Krejci and seconded by Nagle. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; and Rappl, yes Motion carried.
3. Lake Wanahoo Trail Stabilization. Estimated cost $468,200.00. This is another project that will have cost sharing with FEMA, 75%, and NEMA, 12.5%. The city will be responsible for the remaining 12.5%. A motion to approve plans and specifications as well as call for bids was made by Ideus and seconded by Rappl. Roll call vote: Ideus, yes; Rappel, yes; Krejci, yes; Warford, yes; Boop, yes; and Nagle, yes Motion carried.

Travis Beavers, city Building Inspector, asked to have the consideration of a request for a driveway permit onto old Hwy 77 from Todd Jansa be tabled until he receives more information on the specifics of the request. A motion to table the issue was made by Warford and seconded by Ideus. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes; Krejci, yes; and Rappl, yes. Motion carried.

A motion was made by Krejci and seconded by Ideus for approval of pay application #3 to M.E. Collins Contracting for North Highlands improvements in the amount of $63,753.67. Roll call vote: Krejci, yes; Ideus, yes; Warford, yes; Rappl, yes; Boop, yes; and Nagle, yes. Motion carried.

**Ordinance No 2386** was introduced by Council Member Ideus entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE III: ADMINISTRATION OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA, BY AMENDING SECTIONS OF CHAPTER 38 ENTITLED UTILITY RATES PERTAINING TO RATES TO BE CHARGED THE CONSUMERS OF THE UTILITIES OF THE CITY OF WAHOO, NEBRASKA; TO PROVIDE THE EFFECTIVE DATES FOR EACH RESPECTIVE UTILITY RATE. The Mayor then instructed the Clerk to read Ordinance No.2386 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2386 by title.

Council Member Ideus moved that the statutory rules regarding 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 Rappl 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; Rappl, yes; Boop, yes; Warford, no; Krejci, yes; and Nagle, no. The motion having been denied by lack of affirmative votes of no less than three-fourths of the members of the Council, the Mayor indicted the ordinance will now be considered for first reading.

A motion was made by Ideus and seconded by Rappl to approve the first reading of Ordinance No. 2386. Roll call vote: Ideus, yes; Rappl, yes; Boop, yes; Warford, yes; Krejci, yes; and Nagle, no. Motion carried.

A motion was made by Krejci and seconded by Ideus to approve of the use of the Right of Way for the building of an electric vehicle charging station located directly west of Maple Street and south of 12th Street. Ryan Hurst, Utilities General Manager, advised this would be owned and operated by the Utilities Department. He also reported that NPPD is offering a 90% cost share/incentive to install these systems. Roll call vote: Krejci, yes; Ideus, yes; Rappl, yes; Nagle, yes; Warford, yes; and Boop, yes. Motion carried.

A motion was made by Krejci and seconded by Nagle to accept improvements made at 7th and Broadway intersection as installed and approve final pay application to Lierman Construction in the amount of $25,867.50. Roll call vote: Krejci, yes; Nagle, yes; Warford, yes; Rappl, yes; Boop, yes; and Ideus, yes. Motion carried.

A motion was made by Krejci and seconded by Warford to approve a waiver of separate submittals for preliminary and final plats for a replat of Lot 1 of Hospital Subdivision into two separate lots. Travis Beavers, city Building Inspector, reported that a previous sewer issue had stopped the plats from being divided in the past but that that is no longer an issue. Roll call vote: Krejci, yes; Warford, yes; Nagel, yes; Rappl, yes; Boop, yes; and Ideus, yes. Motion carried.

A motion was made by Warford and seconded by Krejci to amend the City of Wahoo Personnel Manual to make language in-line with health insurance contract language. Melissa Harrell, City Administrator, reported that this action was to clean up language about insurance for early retirees so that the manual was in-line with the contract that the City has with their health insurance company. Roll call vote: Krejci, yes; Rappl, yes; Nagel, yes; Warford, yes; Boop, yes; and Ideus, yes. Motion carried.

The Mayor announced that the next item of business was the possible Sanitary Sewer District in the alley located between N. Linden and N. Broadway streets and E. 11th and E. 12th Streets. Motion by Warford, seconded by Ideus, to enter into closed session at 7:50 p.m. for the protection of public interests due to pending litigation on the advice of City Attorney Jovan Lausterer with himself, Melissa Harrell, and Ryan Hurst remaining in chambers. Roll call vote: Warford, yes; Ideus, yes; Rappl, yes; Nagle, yes; Krejci, yes; and Boop, yes. Motion carried. The Mayor indicated that the Council would be entering into a closed session at 7:50 p.m. for the protection of public interest due to pending litigation.

Motion by Krejci, second by Nagle, to return to regular session at 8:27 p.m.

Motion by Warford, seconded by Nagle, to authorize City Attorney Lausterer to prepare and propose a settlement agreement with property owner regarding sanitary sewer line between N. Linden and N. Broadway and E 11th and E12th Streets, and authorize the Mayor to sign said agreement if approved by the Board of Public Works. Roll call vote: Warford, yes; Nagle, yes; Boop, yes; Krejci, yes; Rappl, yes; and Ideus, yes. Motion carried.

The Mayor announced the speed limit for southbound traffic on Hwy 77 between Hwy 92 intersection and J Road had been reduced to 60 mph by NDOT.

Motion by Warford, seconded by Rappl to adjourn at 8:50 p.m.

The next regular meeting will be March 8th, 2022.

Approved: March 8th, 2022

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Christina Fasel, City Clerk Gerald D. Johnson, Mayor