

The Council met in regular session in the Wahoo Public Library, 637 N Maple, 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: Stuart Krejci, Ryan Ideus, Carl Warford, Chris Rappl, Karen Boop and Patrick Nagle.

Grant Anderson, EMS Chief, reported that there have been 650 calls for the year, 1/5 of those came from outside the city. Cody Hall, Fire Chief, reported that they have had approximately 80 runs this year, City Administrator Harrell reported on the joint public hearing held regarding the 2022-23 budget, and the status of the North Highlands and Asphalt overlay projects.

Council Member Krejci motioned, and Council Member Ideus seconded to approve the Consent Agenda which included the following: Approval of Minutes of September 13th, 2022, meeting of the City Council, Approval of Change Order No 2 for the 2022 Asphalt Overlay Project in the amount of \$6,182.85, Approval of Pay App No. 10 to M.E. Collins for the North Highlands Subdivision in the amount of \$288,826.65. Roll call vote Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

A public hearing on the proposed one-and-six- year road plan was held. There were no comments from the public. Council Member Warford motioned, and Council Member Rappl seconded to close the public hearing at 7:20pm. Roll call vote Warford, yes; Rappl, yes; Krejci, yes; Nagle, yes; Ideus, yes; and Boop, yes. Motion carried.

Council Member Krejci motioned, and Council Member Ideus seconded to approve Resolution No 2022-19.

#### **Resolution No. 2022-19**

The following resolution was introduced by Warford, who moved its adoption, seconded by Rappl:

WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Wahoo, and

WHEREAS, a public meeting was held on the 27<sup>th</sup> day of September, 2022, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wahoo, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.

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

A public hearing on an application for conditional use permit to collocate T-Mobile antennas and equipment on existing US Cellular Tower at 1850 Co Rd. There were no comments from the Public. Council Member Krejci motioned, and Council Member Nagel seconded to close the public hearing at 7:22pm. Roll call vote Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; and Rappl, yes. Motion carried.

Ordinance No. 2397 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, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: E ½ OF THE SW ¼ AND SE ¼ OF THE NW ¼ SECTION 32, TOWNSHIP 15, RANGE 7 E, SAUNDERS COUNTY, NE BY ALLOWING ALTERATION OF AN EXISTING TOWER BY ADDITION OF ANTENNAS AND LIGHTNING ROD, AS PROVIDED IN WAHOO ZONING REGULATIONS SECTION 7.11.

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 Nagel 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, Krejci, yes; Nagel, yes; Ideus, yes; Rappl, abstain; Warford, abstain; Boop, yes. With less than required 2/3 vote due to abstention Mayor Jerry Johnson voted yes on waiver of required readings. Motion carried. The Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2397 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2397 be approved and passed and its title agreed to. Council Member Nagel seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote, Krejci, yes; Nagel, yes; Ideus, yes; Rappl, abstain; Warford, abstain; Boop, yes. Motion carried.

A joint public hearing on an application for a conditional use permit to allow for residential apartments on the first/ground floor in the C-1 downtown commercial zoning district, and an application to allow a property owner to count parking stalls within the city ROW towards the required number of parking stalls for proposed apartments as filed by Mike Sullivan of Linconshire Investments. Mike Sullivan gave a presentation on the proposed project. City Administrator Harrell read a letter from Greater Wahoo Development Foundation in favor of the project. Utilities General Manager Hurst also spoke favorably about the project from the perspective of the utilities department. Members of the public expressed concern about the purposed parking, the elimination of potential retail space and increase in population density in the area. Council Member Krejci motioned, and Council Member Rappl seconded to close the public hearing regarding apartments on the first/ground floor in the C-1 downtown commercial zoning district at 8:53pm. Roll call vote Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; and Ideus, yes. Motion carried. Council Member Krejci motioned and Council Member Nagel second to close the public hearing regarding allowing a property owner to count parking stalls within the city ROW at 8:54pm. Roll call vote Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; and Ideus, yes. Motion carried.

Ordinance No 2398, 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, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOTS 1-4, PART OD LOTS 5-8 AND ALL OF LOTS 9-12, BLOCK 155, COUNTY ADDITION TO WAHOO AND PART OF VACATED ALLEY BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING DEVELOPMENT OF RESIDENTIAL APARTMENTS ON THE FIRST/GROUND FLOOR, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER C-1 DOWNTOWN COMMERCIAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.12.03. Council Member Krejci motioned, and Council Member Warford seconded to approve the first reading

of Ordinance No. 2398. Roll call vote, Krejci, yes; Warford, yes; Nagel, No; Ideus, yes; Rappl, yes; Boop, yes. Motion carried.

Council Member Krejci motioned, and Council Member Rappl seconded to deny the application to allow a property owner to count parking stalls within the city ROW towards the required number of parking stalls for proposed apartments as filed by Mike Sullivan of Linconshire Investments. Roll call vote, Krejci, yes; Rappl, yes; Warford, yes; Nagel, No; Ideus, no; Boop, yes. Motion carried.

Ordinance No 2396 to provide a conditional use permit for the expansion of Wahoo Locker was withdrawn.

The Following resolution, Resolution No. 2022-18, was introduced by Council member Krejci, who moved for approval, seconded by Nagle:

**“Resolution to Set Property Tax Request**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the City Council of the City of Wahoo must pass by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law on September 13, 2022 to hear and consider comments from the public concerning the property tax request;

NOW, THEREFORE, be it resolved by the City Council of the City of Wahoo that:

1. The 2022-2023 property tax request shall be set at \$1,945,301.41 and shall be levied as follows for the following funds:

	<u>Tax Amount</u>	<u>Tax Levy</u>
General Fund	\$1,743,301.41	0.461675
Bond Fund	<u>\$202,000.00</u>	<u>0.053495</u>
TOTAL	\$1,945,301.40	0.515170
2. The total assessed value of property differs from last year’s total assessed value by 16%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.473495 per \$100 of assessed value.
4. The City of Wahoo proposes to adopt a property tax request that will cause its tax rate to be \$.515170 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of \$16,411,385.00 of the City of Wahoo will increase from last year’s operating budget by 29%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 12, 2022.”

	<b>2021</b>	<b>2022</b>	<b>Change</b>
<b>Operating Budget</b>	\$12,737,719.00	\$16,411,385.00	29%
<b>Property Tax Request</b>	\$1,787,933.00	\$1,945,301.41	9%
<b>Valuation</b>	325,160,228	377,603,624	16%
<b>Tax Rate</b>	\$.549862	\$.515170	-6%

<b>Tax Rate if prior tax request was at current value</b>	\$0.473495	
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Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Ideus, yes; and Rappl, yes. Motion carried.

Council Member Warford motioned, and Council Member Ideus seconded to deny the request for Reasonable accommodation that was referred to the reviewing authority on August 23<sup>rd</sup>, 2022, due to lack of qualifying disability. Roll call vote Warford, yes; Ideus, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Boop, yes. Motion carried.

The Mayor announced the next item of business was discussion regarding the Chestnut Street Improvement Project. Warford motioned and Nagel seconded to enter into closed session for the protection of public interest due to potential litigation. The Mayor indicated the Council, City Administrator Harrell and City Attorney Lausterer would be entering into closed session at 9:38 p.m. for protection of public interest due to pending or threatened litigation. Council Member Warford motioned and Council Member Krejci seconded to return to regular session at 9:51pm. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Boop, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Ideus motioned, and Council Member Rappl seconded to adjourn at 9:59pm.

The next regular meeting is October 11th, 2022, at 7:00pm at the Wahoo Public Library, 637 N. Maple St.

Approved: October 11<sup>th</sup> 2022

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Christina Fasel, City Clerk

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Gerald D. Johnson, Mayor