

The Council met in regular session in the Wahoo Public Library, 637 N Maple, in compliance with the 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 the 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.

A Proclamation was made by Mayor Johnson declaring October 23rd-October 29th, 2022, as Lead Poisoning Prevention Week.

Department Head Reports were given by Police Chief Joe Baudler and City Administrator Melissa Harrell.

Council Member Krejci motioned and Council Member Warford seconded to approve the consent agenda which included the following: Approval of Minutes of October 11th, 2022, meeting of the City Council, Approval of Minutes of October 6th, 2022, meeting of the Planning Commission, Acceptance of Minutes of the October 11th, 2022, meeting of the Wahoo Public Library Board, Approval of Pay App No. 11 to M.E. Collins for North Highlands in the amount of \$190,326.64, Approval of Applications for Waste Haulers, Approval of purchase of new police cruiser as budgeted for in FY 2022-23 Budget. Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Boop, yes, Rappl, yes; and Nagle, yes. Motion carried.

A Public hearing regarding an application for rezoning of the property described as approximately 3.01 acres in the NW ¼ of the NE ¼ of Sec 36, Township 15N R7E of the 6th P.M., Saunders County, Nebraska, better known as 1455 County Road M, from TA – Transitional Ag to LLR - Large Lot Residential as filed by Lloyd Benal was opened at 7:25pm. There were no comments from the public. Council Member Warford motioned, and Council Member Rappl seconded to close the public hearing at 7:27pm. Roll call vote Warford, yes; Rappl, yes; Krejci, yes; Nagle, yes; Ideus, yes; and Boop, yes. Motion carried.

Ordinance No. 2404 was introduced by Council Member Nagel 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: APPROXIMATELY 3.01 ACRES IN THE NW ¼ OF THE NE ¼ OF SECTION 36, TOWNSHIP 15N R7E OF THE 6TH PM, SAUNDERS COUNTY, NEBRASKA FROM TA-TRANSITIONAL AG TO LLR-LARGE LOT RESIDENTIAL; THAT THE WAHOO COMPREHENSIVE PLAN, ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS OF JULY 23, 2010, AS IT PERTAINS TO THE AREA TO BE REZONED, AS AFORENOTED, SHOWS THE FUTURE LAND USE TO BE LOW DENSITY RESIDENTIAL.

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 Krejci 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; Krejci, yes; Ideus, yes; Boop, yes; Rappl, yes; and Nagle, yes. Motion carried. 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 regard to the passage and approval of ordinance be suspended so that Ordinance No. 2404 may be read by title and moved for final passage in the same meeting.

Council Member Nagel moved that Ordinance No. 2404 be approved and passed, and its title agreed to. Council Member Warford seconded the motion. Roll call vote Nagle, yes; Warford, yes; Ideus, yes; Krejci, yes; Rappl, yes; and Boop, yes. Motion carried.

A Public Hearing regarding a resolution declaring a parcel of land located in the Northwest Quarter of section 4 Township 14 Range 7 East of the sixth PM as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law was opened at 7:37pm. There were no comments from the public. Council Member Krejci motioned, and Council Member Ideus seconded to close the public hearing at 7:38pm. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Krejci motioned, and council Member Boop seconded to approve Resolution 2022-21 to provide for designation as blighted and substandard.

RESOLUTION NO. 2022-21

A RESOLUTION OF THE COUNCIL OF THE CITY OF WAHOO, NEBRASKA DECLARING A CERTAIN AREA TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED.

WHEREAS, it is necessary, desirable, advisable, and in the best interests of the City of Wahoo, Nebraska (the **“City”**), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the **“Act”**), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, Section 18-2109 of the Act requires that, prior to the preparation by the Community Redevelopment Authority of the City of a redevelopment plan for a redevelopment project, the Council shall, by resolution, declare the area to be blighted and substandard; and

WHEREAS, on October 25, 2022, at 7:00 p.m., the Council of the City held a public hearing (the **“Public Hearing”**) at Wahoo Public Library, 637 North Maple Street in the City, to determine whether that certain area more fully described on **Attachment 1** (the **“Redevelopment Area”**) should be declared blighted and substandard and in need of redevelopment as required by the Act; and

WHEREAS, notice of the Public Hearing was published in the *Wahoo Newspaper*, a legal newspaper of general circulation in the City, on October 6, 2022, and October 13, 2022, which notice described the time, date, place and purpose of the Public Hearing and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

WHEREAS, on or before October 14, 2022, such date being at least 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Certified Mail, return receipt requested, sufficient postage affixed, to all registered neighborhood associations whose area of

representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and a map of sufficient size to show the Redevelopment Area; and

WHEREAS, on September 19, 2022, the City did post the substandard and blighted study and public hearing notices on the City's website at www.wahoo.ne.us for public review and had copies of said study available for public inspection at City Hall, 605 North Broadway, Wahoo, NE during regular business hours; and

WHEREAS, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the President of the Council and Council reviewed and discussed two certain Blight Studies (the "**Blight Study**"); and

WHEREAS, the Mayor and Council submitted the question of whether the Redevelopment Area was blighted and substandard and in need of redevelopment to the Planning Commission of the City for its review and recommendation on October 6, 2022, and the Mayor and Council reviewed and discussed the recommendations received from the Planning Commission; and

WHEREAS, the Mayor and Council desire to declare that the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT OF THE COUNCIL AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA AS FOLLOWS:

Section 1. The Redevelopment Area is hereby declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on **Attachment 1**.

Section 2. The Redevelopment Area is hereby further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(11)(a) of the Act and (b) at least one of the factors set forth in (i) through (iv) of Section 18-2103(11)(b) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Section 5. This Resolution shall be published and shall take effect as provided by law.

ATTACHMENT 1

BOUNDARY DESCRIPTION OF THE REDEVELOPMENT AREA

The Redevelopment Area shall include all real property that is (1) within the boundaries described as follows:

A PARCEL OF LAND LOCATED IN SECTIONS 4, 9, & 16, IN TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE SOUTHWEST QUARTER; THENCE NORTHERLY ON THE WEST LINE OF SAID SECTION 16 TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE EASTERLY ON THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER TO THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 77; THENCE NORTHERLY ON SAID RIGHT OF WAY LINE TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9; THENCE WESTERLY ON SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTHERLY ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER TO SAID WEST RIGHT OF WAY LINE; THENCE NORTHWESTERLY ON SAID WEST RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF NEBRASKA STATE HIGHWAY 92; THENCE EASTERLY ON SAID NORTH RIGHT OF WAY LINE TO THE CENTERLINE OF WALNUT STREET; THENCE SOUTHERLY ON THE CENTERLINE OF SAID WALNUT STREET TO THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE 1,882 FEET PLUS OR MINUS; THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 9 TO THE SOUTH LINE OF SAID SECTION 9; THENCE WESTERLY ON SAID SOUTH LINE TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID SECTION 16; THENCE SOUTHERLY ON THE EAST LINE OF SAID WEST HALF TO THE POINT OF BEGINNING.

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

A Public hearing regarding the approval of the final plat for subdivision known as Wilmer Ridge Addition, a 38.98-acre parcel of land, more or less, located in the North 1/2 of the Southwest 1/4 and the South 1/2 of the Northwest 1/4, all in section 34, Township 15 North, Range 7 East of the 6th P.M., Saunders County, Nebraska, as filed by JEO Investments, Inc was opened at 7:50pm. There were no comments from the public. Council Member Krejci motioned, and Council Member Rappl seconded to close the public hearing at 7:52pm. Roll call vote: Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; and Ideus, yes. Motion carried.

Council Member Warford motioned, and Council Member Krejci seconded to table action related to the approval of final plat for subdivision known as Wilmer Ridge. Roll call vote: Warford, yes; Krejci, yes; Ideus, yes; Boop, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Krejci motioned, and Council Member Warford seconded to table the third reading of Ordinance No 2398 a conditional use permit for ground level apartments in C-1 Downtown commercial

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

Council Member Krejci motioned, and Council Rappl seconded the approval of Annual Occupation Tax Report. Roll call vote: Krejci, yes; Rappl, yes; Nagle, yes; Boop, yes; Warford, yes; and Ideus, yes. Motion carried.

Ordinance No. 2402 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 THROUGH 6, BLOCK 1, CHILLBERG'S ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA BY EXTENDING THE CONDITIONAL USE PERMIT, TO ALLOW THEREON A PERMITTED CONDITIONAL USE, OPERATION OF A BEER GARDEN AND SAND VOLLEYBALL COURT, 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 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: Roll call vote, Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried. 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 regard to the passage and approval of ordinance be suspended so that Ordinance No. 2402 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2402 be approved and passed, and its title agreed to. Council Member Boop seconded the motion. Roll call vote: Krejci, yes; Boop, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Ordinance No. 2403 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, AND ORDINANCE NO. 2250, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THAT PART OF LOT 9, BLOCK 146, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF LOT 12; THENCE S90-00-00W (ASSUMED BEARING), ON THE SOUTH LINE OF BLOCK 146, A DISTANCE OF 135.38 FEET TO A POINT ON THE EXTENSION OF THE CENTERLINE OF THE COMMON WALL BETWEEN UNITS 4 AND 5; THENCE N 00-04-13W, ON THE CENTERLINE OF THE COMMON WALL BETWEEN UNITS 4 AND 5, A DISTANCE OF 80.54 FEET TO A POINT .08 FEET NORTH OF THE NORTH FACE OF UNITS 1 THROUGH 5; THENCE S89-55-47W, ON A LINE PARALLEL TO AND 0.08 FEET DISTANCE FROM THE NORTH FACE OF UNITS 1 THROUGH 5, A DISTANCE OF 30.00 FEET TO THE EXTENSION OF THE CENTER LINE OF THE COMMON WALL BETWEEN UNITS 4 AND 5; THENCE S00-04-13E, ON THE CENTERLINE OF THE COMMON WALL BETWEEN UNITS 4 AND 5, A DISTANCE OF 80.54 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 146; THENCE N 90-00-00E, ON THE SOUTH LINE OF BLOCK 146, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; AND PART OF LOTS 9-12, BLOCK 146, COUNTY ADDITION TO WAHOO. BY EXTENDING THE CONDITIONAL USE PERMIT TO ALLOW THEREON A PERMITTED CONDITIONAL USE, THAT BEING AUTO GLASS REPAIR AND INSTALLATION, AS ALLOWED BY PERMITTED

CONDITIONAL USES LISTED UNDER C-3 GENERAL COMMERCIAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.14.03.

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 Krejci 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; Krejci, yes; Ideus, yes; Boop, yes; Rappl, yes; and Nagle, yes. Motion carried. 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 regard to the passage and approval of ordinance be suspended so that Ordinance No. 2403 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2403 be approved and passed, and its title agreed to. Council Member Warford seconded the motion. Roll call vote: Krejci, yes; Warford, yes; Ideus, yes; Boop, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Warford motioned, and Council Member Krejci seconded to approve an additional 9-month grant extension on the owner-occupied house rehab program requested by SENDD. Roll call vote: Warford, yes; Krejci, yes; Ideus, yes; Boop, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Rappl motioned, and Council Member Ideus seconded to approve Resolution No 2022-22 an agreement for sale of K9 unit to the Omaha Police Department.

RESOLUTION NO. 2022-22

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

Special purpose police dog, Jane
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 greater than \$5,000.00,

WHEREAS, the City of Wahoo, Nebraska, has determined the personal property, shall be offered to other public agencies for their use,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That pursuant to Neb. Rev. Stat. §17-503.02 (2), the procedure for disposal of personal property that is described in Neb. Rev. Stat. §17-503.02 (1) requiring public notice of the sale of said personal property is not applicable as the property is to be sold to another public entity, and

2. That the above-described personal property shall be sold to the public agency providing the highest bid, after being sufficiently offered to public agencies that may have an interest in said personal property, and

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 item 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: Rappl, yes; Ideus, yes; Krejci, yes; Nagle, yes; Warford, yes; and Boop, yes. Motion carried.

Council Member Krejci motioned, and Council Member Ideus seconded to approve the waiver request for the taller than allowed fence within front yard setback for solar field east of Omaha Steele. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Warford motioned, and Council Member Ideus seconded to adjourn the meeting at 8:26pm. Roll call vote: Warford, yes; Ideus, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Boop, yes. Motion carried.

The next regular meeting is November 8th, 2022, at 7:00pm at the Wahoo Public Library, 637 N. Maple St.

Approved:

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor