

# WAHOO CITY COUNCIL AGENDA

Tuesday January 24, 2023 – 7:00 p.m.  
Wahoo Public Library, 637 N Maple St, Wahoo, NE

NOTICE IS HEREBY GIVEN that the Mayor and Council of the City of Wahoo meet on the second and fourth Tuesdays of each month at the Wahoo Public Library, 637 N Maple Street Wahoo, Nebraska, at 7:00 p.m. Notice of special meetings shall be given by posting a notice thereof on the bulletin board in City Hall, U.S. Post Office, and First Bank of Nebraska, at least 24 hours before the special meeting. All Council meetings are open to the public and the agenda, which is kept continually current, is available for public inspection at the office of the City Clerk at City Hall during normal business hours.

Individuals requiring physical or sensory accommodations, individual interpreter service, Braille, large print or recorded material, please contact the ADA Coordinator at City Hall, 605 North Broadway, Wahoo, Nebraska, 68066, telephone 402-443-3222 as far in advance as possible, but no later than 48 hours before the scheduled event.

**Pledge of Allegiance**

**Announcement of the Open Meetings Act**

(A copy of the Act is posted on the west wall of the Council Chambers for public review. The Act is also available in pamphlet form on request.) All those wishing to speak at a meeting, under the Open Meetings Act, must announce their name and address, unless the information would be a risk to one’s security.

**Call to order and roll call**

**Proclamation**

**Audience comments on items not listed on the agenda**

(The public may address the Council at this time with items that are not on the agenda. No action can be taken but the Council can hear your concerns and either the Mayor can direct them to the appropriate Department or Council Committee or ask that the item be placed on the next regular agenda for action.)

**Department head reports**

Library Directory Denise Lawver

**Consent agenda**

(The consent agenda is approved by one motion. Any item listed on the Consent Agenda may, by the request of any single Councilmember or public in attendance, be considered as a separate item under the Regular Agenda.)

1. Acceptance of excused absence of Mayor or Council member(s)
2. Approval of Minutes from the January 10<sup>th</sup>, 2023, City Council Meeting
3. Approval of Mayor’s Appointment of John Virgl to the Airport Authority Board, term to expire December of 2024.
4. Approval of Plumbing, Mechanical, Electrical, Tree and Sprinkler Contractors

**Public hearing and associated action items**

1. Public Hearing for Approval of Conditional Use Permit to remove an existing 60-foot lattice communications tower and construct a new 120-foot monopole tower facility on property described as Block 4 Original Town Wahoo and the North ½ vacated 4<sup>th</sup> Street better known as 433 North Chestnut, as filed by Saunders County.

**Old business**

**Tabled business**

**Action items not requiring a public hearing**

1. Approval of annual Certification of the Volunteer Emergency Responders Incentive Act for 2022
2. Approval of Audit Waiver for Wahoo Public Building and Grounds for FY ending 12/31/2022
3. Approval of purchase of a wheel loader for the street department
4. Approval of request for special designated liquor licenses submitted by the Knights of Columbus for the following dates: Feb 17, 2023, Feb 24, 2023, March 3, 2023, March 10, 2023, March 17<sup>th</sup>, 2023, and March 24, 2023.
5. Approval of Ordinance No. 2416 for the addition of hours of operation for solicitors permits.
6. Closed Session (recommended) for the discussion of property acquisition.

**Mayor’s comments on items not listed on the agenda**

**Council comments on items not listed on the agenda**

**Upcoming planned meeting dates and agenda deadlines**

1. February 14, 2023 (agenda deadline = 5:00pm February 9, 2023)
2. February 28, 2023 (agenda deadline = 5:00pm February 23, 2023)
3. March 14, 2023 (agenda deadline = 5:00pm March 9, 2023)

# Department Head Reports

January 20, 2023

TO: Mayor & Council

FROM: Melissa Harrell, City Administrator 

RE: Workforce Housing Grant Program

Last week I received a call from Jim Warrelmann with SENDD, Inc. He called to make sure the City of Wahoo is aware of an opportunity for state grant funds to be used for workforce housing development through the Rural Workforce Housing Fund signed into law in 2018.

(<https://opportunity.nebraska.gov/programs/housing/rwhf/>)

In 2018 communities within the SENDD boarders (Fairbury, Deshler, Geneva, Beatrice, and Auburn) pooled together and submitted a grant application for these funds. Each community contributed a share of the cash match, and grant funds were provided to match the community's investment. After approval there were \$1.6 million in funds available for workforce housing development. Because this is set up as a revolving loan funds, today's balance is \$1.8 million in this pool, available for all communities in the pool to use.

Workforce housing, by definition of this program, is limited to \$365,000 for a single family home, and \$250,000 for a rental/unit.

SEND D is looking for six additional communities within SEND D's boarders to participate in a grant application this year. They are asking for a contribution of \$200,000 in cash from each community and would apply for a grant of \$1,000,000. This pool of communities would have a controlling board where each community involved would have one vote. Initially, for the first Wahoo project, we would have \$367,000 available for use. The pool of funds is intended to be a revolving loan fund program, which would include interest and fees for borrowing that would allow the pool of funds to grow over time.

The advantage of having this available in our community could be lower interest rates for qualified new housing projects, providing terms that are more favorable to the builder, etc., with the goal of getting projects done. Some communities have used these funds to assist developers in purchasing dilapidated properties and upgrading them, selling them and returning the initial investment to the pool.

Jim did not provide me with information on how the funds could be pulled from the pool.

The application is not due until 3/28/2023 but SEND D wants a commitment from communities by 2/15/2023. If we are interested and a successful grant application was submitted, funds would need to be deposited by 5/15/2023.

We can discuss this further at the Council meeting.

# Consent Agenda



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, Chris Rappl, Shane Sweet, Carl Warford, Patrick Nagle, and Ryan Ideus

Police Chief Baudler presented an end of year report for the department.

Council Member Krejci motioned, and Council Member Rappl seconded to approve the consent agenda which included Approval of Minutes from the December 27<sup>th</sup> City Council Meeting, acceptance of minutes from the December 13 library board meeting, and approval of the Mayor's appointment of Don Fick to the Planning Commission. Roll call vote Krejci, yes; Rappl, yes; Nagle, yes; Sweet, yes; Warford, yes; and Ideus, yes. Motion carried.

City Administrator Harrell reported on the special assessment calculations for North Highlands.

Council Member Warford motioned, and Council Member Ideus seconded to accept all bids received and authorize entering into contract with K2 Construction for the infrastructure improvements for Wilmer Ridge Subdivision. Roll call vote Warford, yes; Ideus, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Sweet, yes. Motion carried.

Council Member Warford motioned, and Council Member Nagel seconded to approval the mayor to sign an electronic government service level agreement with NIC to allow for direct deposit of liquor license fees paid. Roll call vote Warford, yes; Nagle, yes; Sweet, yes; Krejci, yes; Ideus, yes; and Rappl, yes. Motion carried.

A status update was given on the Kennedy Campus/Destiny Ministries project.

Council Member Nagel motioned and Council Member Krejci seconded to authorize a private utility line to occupy the public right of way for the new Wahoo Locker Building. Roll call vote Nagle, yes; Krejci, yes; Warford, yes; Ideus, yes; Rappl, yes; and Sweet, yes. Motion carried.

Council Member Warford motioned and Council Member Sweet seconded to enter into closed session for the purpose of protection of public interest at 7:49 p.m. Roll call vote: Warford, yes; Sweet, yes; Rappl, yes; Krejci, yes; Nagel, yes; and Ideus, absent and not voting. Motion carried.

The Mayor announced the Council, City Administrator Harrell, and City Attorney Lausterer would be entering into closed session for the protection of public interest.

Council Member Warford motioned, and Council Member Nagel seconded to return to regular session at 9:00pm. Roll call vote Warford, yes; Nagle, yes; Sweet, yes; Krejci, yes; Ideus, yes; and Rappl, yes. Motion carried.

Council Member Warford motioned, and Council Member Sweet seconded to adjourn the meeting at 9:01pm. Roll call vote Warford, yes; Sweet, yes; Krejci, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

The next meeting is January 24, 2022, at 7:00pm.  
Christina Fasel, City Clerk  
Gerald D. Johnson, Mayor

## Plumbers

|                                      |                          |             |    |       |              |
|--------------------------------------|--------------------------|-------------|----|-------|--------------|
| Fud and Tracy's                      | 740 N Chestnut Street    | Wahoo       | NE | 68066 | 402-443-3216 |
| Webster Well Services Inc.           | PO Box 128               | Morse Bluff | NE | 68648 | 402-666-9222 |
| Andersen Plumbing                    | 849 N 252nd Street       | Waterloo    | NE | 68069 | 402-359-4976 |
| Moser Well Drilling & Service        | PO Box 308               | Hickman     | NE | 68372 | 402-792-2515 |
| Veskerna Plumbing & Excavating       | 1610 Paul Ave            | Wahoo       | NE | 68066 | 402-443-1604 |
| John Henry's                         | 2949 Cornhusker Hwy      | Lincoln     | Ne | 68504 |              |
| Bryant Heating and Air               | 3324 Oxbow Cir           | Lincoln     | NE | 68504 | 402-467-1111 |
| Wiese Plumbing & Excavating          | 620 Marvin Ct            | Fremont     | NE | 68025 | 402-721-6908 |
| Mueller Trenching                    | 1345 N 26th Rd           | Syracuse    | NE | 68446 | 402-430-2946 |
| Wagner Quality Construction          | 411 East 4th             | Wahoo       | NE | 68066 | 402-443-6336 |
| Loftus Septic Pumping & Construction | 410 County Rd C          | Ashland     | NE | 68003 | 402-944-7636 |
| JTM Plumbing                         | 11075 S 204th St, Ste #1 | Gretna      | NE | 68028 | 402-203-6193 |
| The Frazier Company                  | 14830 B Circle           | Omaha       | NE | 68144 | 402-896-5900 |
| Todd Valley Plumbing & Heating       | 1402 Adams Street        | Ashland     | NE | 68003 | 402-944-7016 |
| RAS Plumbing                         | PO Box 245               | Valpraiso   | NE | 68065 | 402-890-4576 |
| Tony Leonardo Plumbing Inc           | 5012 54th Street         | Nehawka     | NE | 68413 | 402-339-8234 |
| Plumbrite                            | 2019 N 65th              | Omaha       | NE | 68104 | 402-614-1777 |

## Mechanical

|   |                               |         |    |       |              |
|---|-------------------------------|---------|----|-------|--------------|
| Capitol Heating & Air Coniditioning, Inc.     | 3040 South St                 | Lincoln | NE | 68502 | 402-483-6080 |
| Fud and Tracy's                               | 740 N Chestnut Street         | Wahoo   | NE | 68066 | 402-443-3216 |
| Getzschman Heating LLC                        | 1700 E 23rd Ave North         | Fremont | NE | 68025 | 402-721-6301 |
| R & R Refrigeration dba Lee's Refrideration   | 734 Seward St., Box 425       | Seward  | NE | 68434 | 402-643-3644 |
| Complete Comfort Heating and Cooling Inc.     | 6235 s 90th St                | Omaha   | NE | 68127 | 402-827-1827 |
| Mainelli Mechanical Contractors Inc           | P.O. Box 12428                | Omaha   | NE | 68112 | 402-457-5501 |
| Aksarben Heating, Air Conditioning & Plumbing | 7070 South 108th Street       | Omaha   | NE | 68128 |              |
| Advanced Heating LLC                          | PO Box 622, 232 N West Street | Valley  | NE | 68064 |              |
| John Henry's                                  | 2949 Cornhusker Hwy           | Lincoln | Ne | 68504 |              |
| Bryant Heating and Air                        | 3324 Oxbow Cir                | Lincoln | NE | 68504 | 402-467-1111 |
| Bogatz Heating and Air Conditioning           | 20132 Husker Drive            | Gretna  | NE | 68028 | 402-891-8703 |
| Custom Colling and Heating                    | 11720 O st                    | Lincoln | NE | 68520 | 402-489-9227 |
| Standard Heating & Air Conditioning           | 11746 Portal Road             | LaVista | NE | 68128 | 402-339-6700 |

|                                     |                    |         |    |       |              |
|-------------------------------------|--------------------|---------|----|-------|--------------|
| SOS Heating & Cooling               | 8314 Maple Street  | Omaha   | NE | 68134 | 402-391-2336 |
| The Frazier Company                 | 14830 B Circle     | Omaha   | NE | 68144 | 402-896-5900 |
| Comfort Techs                       | 540 Blue Heron Dr. | Lincoln | NE | 68522 | 402-465-0000 |
| A1 united Heating, Air and Electric | 4972 F St          | Omaha   | NE | 68117 | 402-593-7500 |
| Anthony's Air Conditioning          | 210 Main           | Ithaca  | NE | 68033 | 402-623-4315 |
| Bradley Brothers Plumbing           | PO Box 241639      | Omaha   | NE | 68124 |              |

### Electrician

|                                |                       |              |    |       |              |
|--------------------------------|-----------------------|--------------|----|-------|--------------|
|                                |                       |              |    |       | 402-549-2152 |
| Reznicek Electric LLC          | 2390 F Road           | Ulysses      | NE | 68669 | 402-367-7810 |
| Getzschman Heating LLC         | 1700 E 23rd Ave North | Fremont      | NE | 68025 | 402-721-6301 |
| Bryant Heating and Air         | 3324 Oxbow Cir        | Lincoln      | NE | 68504 | 402-467-1111 |
| Electical Systems Inc          | 14928 A Circle        | Omaha        | NE | 68144 | 402-334-8701 |
| Seco Electric                  | 507 w Main PO Box 38  | Cedar Bluffs | NE | 68015 | 402-628-2455 |
| Todd Valley Plumbing & Heating | 1402 Adams Street     | Ashland      | NE | 68003 | 402-944-7016 |
| Dan's Electric LLC             | 1645 N Lincoln Ave    | Fremont      | NE | 68025 | 402-510-1113 |
| Summit Electric                | 5228 N 9th Circle     | Lincoln      | NE | 68521 | 402-580-8522 |
| Power D Inc.                   | 1925 County Road U    | Cedar Bluffs | NE | 68015 | 402-277-0689 |
| ADT Solar                      | 128 Northpark Blvd    | Covington    | LA | 70433 |              |
| B-RAD Electric                 | 1412 N Pine Street    | Wahoo        | NE | 68066 | 402-480-2265 |

### Tree Contractors

|                              |                   |         |    |       |              |
|------------------------------|-------------------|---------|----|-------|--------------|
| A-Plus Tree Service Inc      | 1424 N H St       | Fremont | NE | 68025 | 402-719-3490 |
| M.S. Wiekhorst Arbor Company | 12 Ginger Cove Rd | Valley  | NE | 68064 | 402-215-6739 |
| Tim's Tree Service           | 918 2nd Street    | Wahoo   | NE | 68066 | 402-443-6950 |

### Sprinkler

|               |                |       |    |       |              |
|---------------|----------------|-------|----|-------|--------------|
| RS Sprinklers | 1040 West 10th | Wahoo | NE | 68066 | 402-443-3043 |
|---------------|----------------|-------|----|-------|--------------|

# Radio Tower Conditional Use Permit

**CITY OF WAHOO**  
**APPLICATION FOR CONDITIONAL USE PERMIT**

Name: Saunders County  
Address or Location: 433 N. Chestnut Suite 300  
Wahoo, NE 68066  
Current zoning of property C1

Under the provisions of Article 6 of the City of Wahoo Zoning Regulations, the undersigned hereby applies for a Conditional Use Permit to all communication tower

on the property described as: Lot \_\_\_\_\_ Block 4 - original  
town Wahoo & N 1/2 vac 4<sup>th</sup> street (courthouse)

Proposed development of the property is shown on plans attached hereto. Type and proposed use is as follows:  
Communication tower

This application authorizes representatives of the City of Wahoo to enter the above property for purposes of inspection, examination, and investigation related to this application, and posting of signs as required by zoning regulations.

Date: Dec 14, 2022 Signed [Signature] Applicant  
Address: 433 N. Chestnut Suite 300  
Wahoo, NE 68066  
Phone: 402-443-8100

FEE: \$ \_\_\_\_\_ Receipt # \_\_\_\_\_  
Publication fees will be billed to applicant

receipt # 28095  
**PAID DEC 14 2022**  
\$250

Date of Hearing (Planning Commission) January 5<sup>th</sup>, 2023. Approved \_\_\_\_\_ Denied \_\_\_\_\_  
Date of Hearing (City Council) \_\_\_\_\_, 20\_\_\_\_. Approved \_\_\_\_\_ Denied \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator



December 22, 2022

M.

RE: Proposed 120' Monopole

Dear M.,

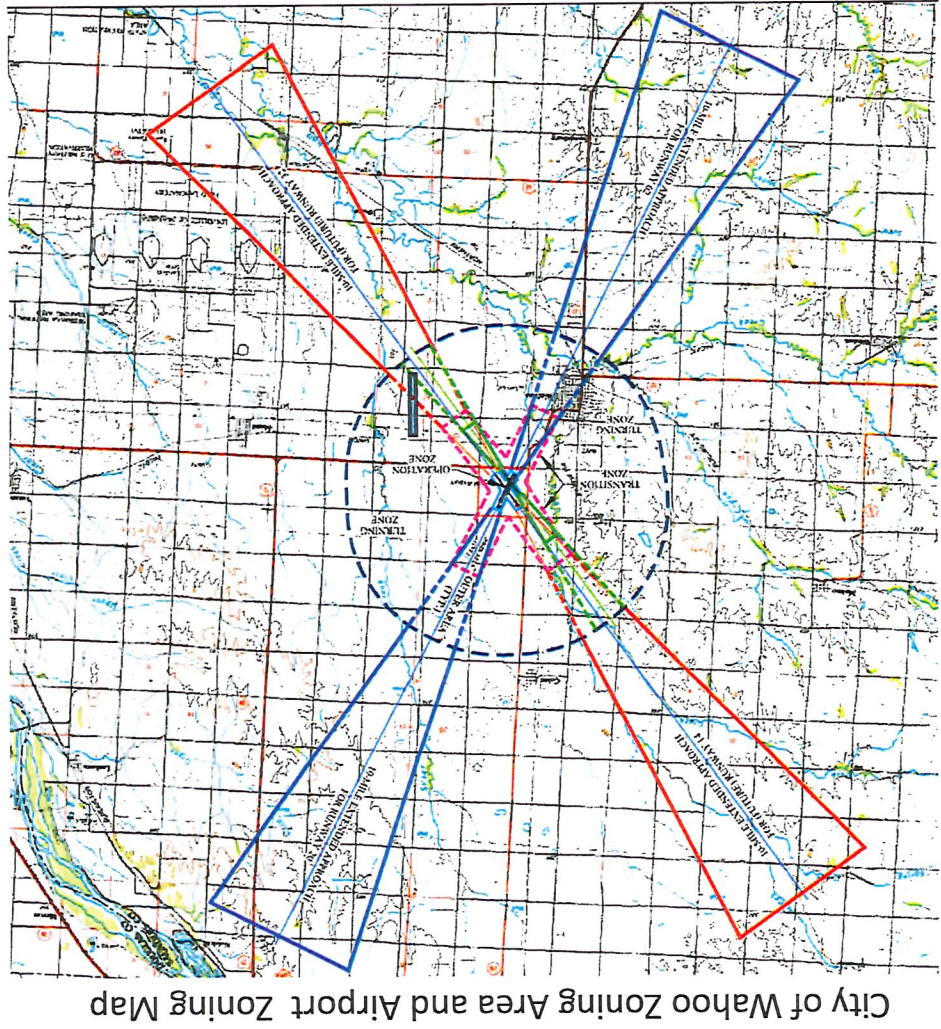
Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of XXX mph with no ice, Risk Category II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the bottom pole section. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft, above the bottom section. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Industries.* This would effectively result in a 60' fall radius at ground level.

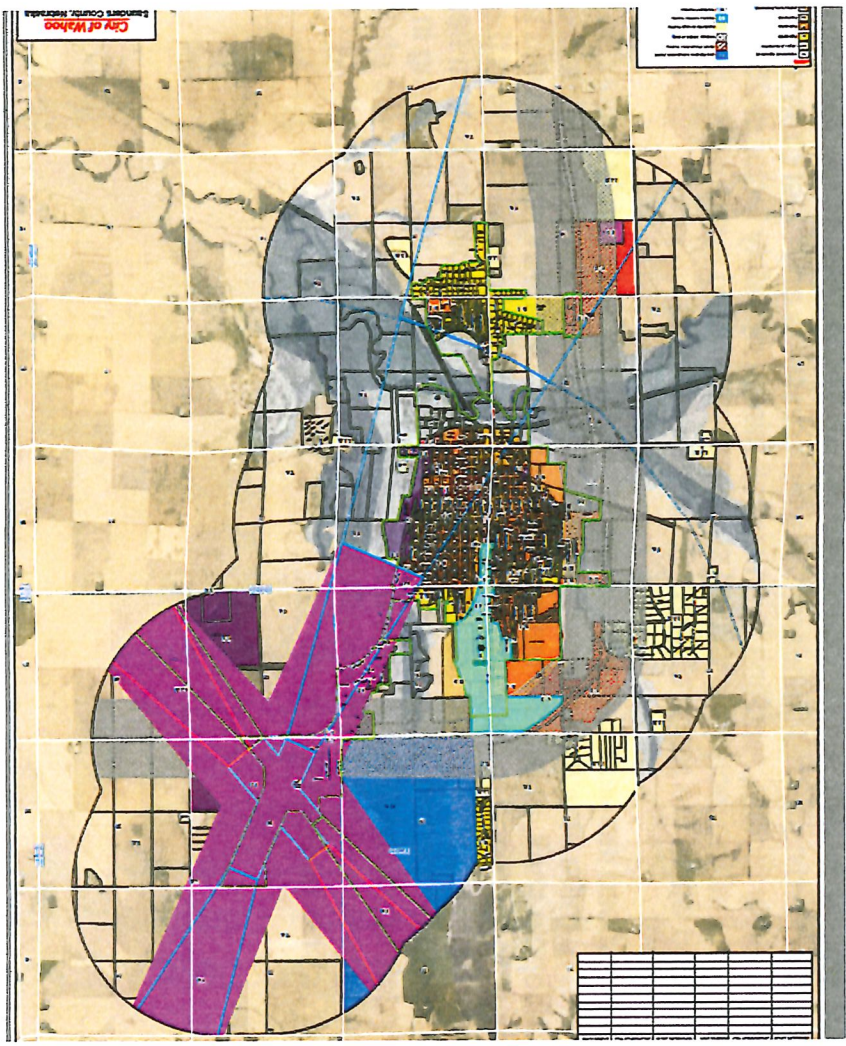
Sincerely,



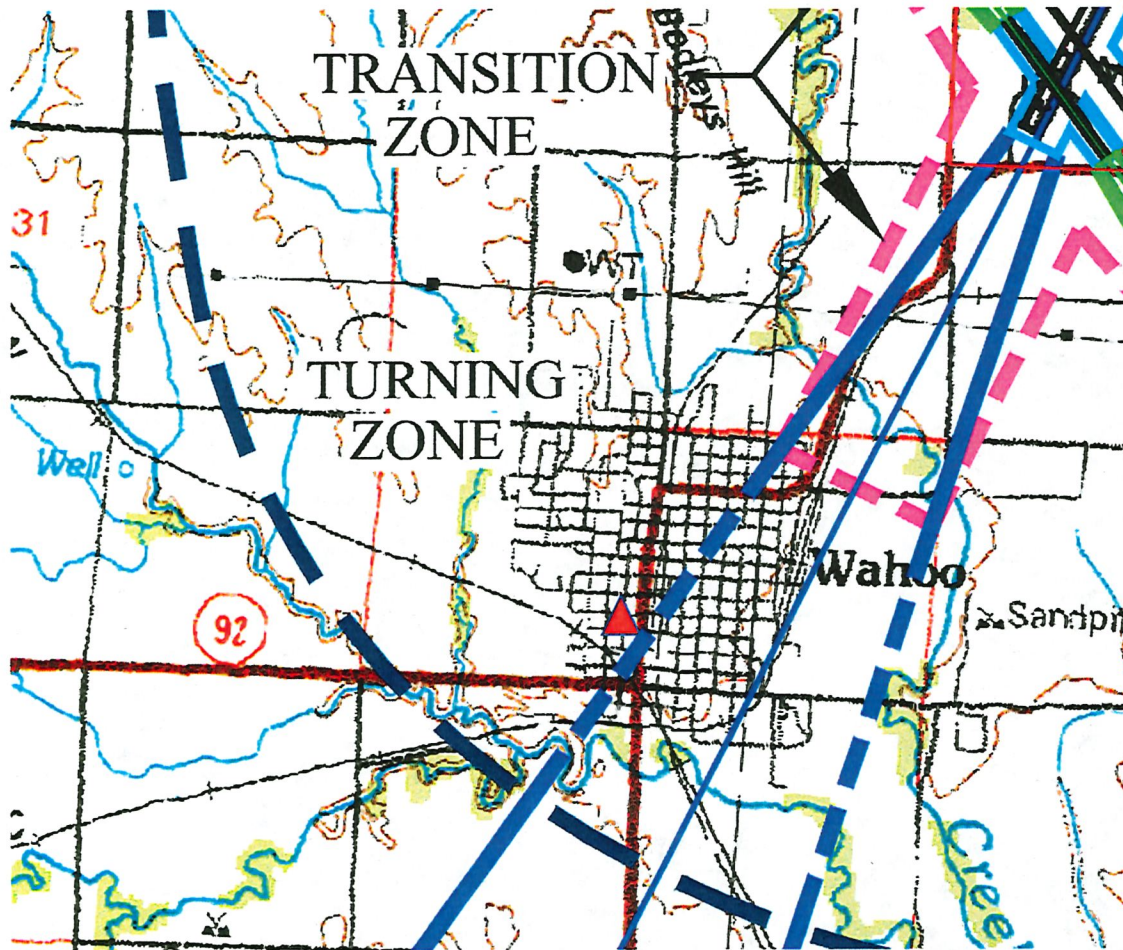


City of Wahoo Zoning Area and Airport Zoning Map

RFCC 10/28/22







RFCC 10/28/22



Dispatch is outside of the runway approach but within the Turning Zone – 150' tower limitation

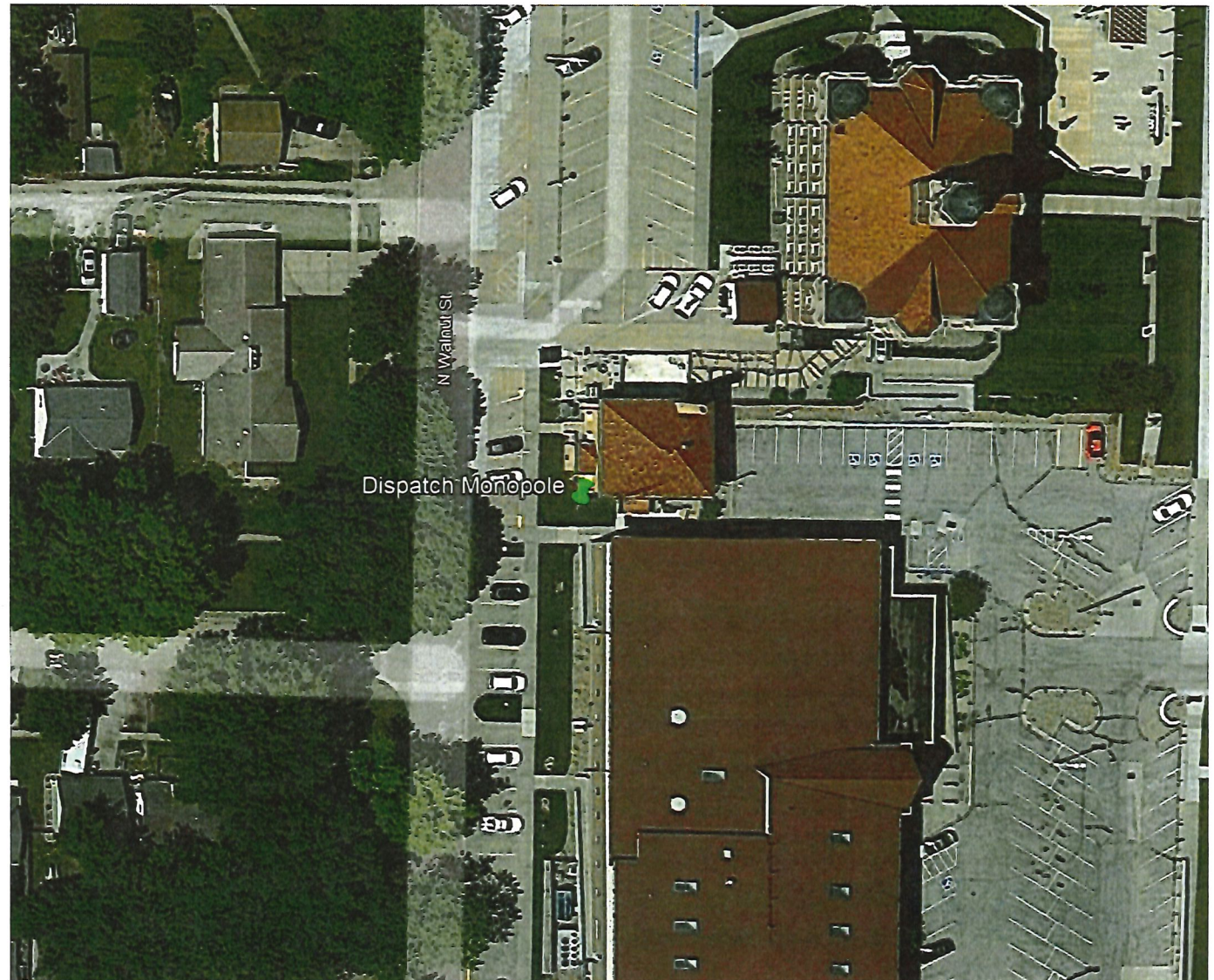


New 120 ft. Monopole:

- Next to Old Jail Building
- Replaces current 60' lattice tower



RFCC – Law Enforcement Center Monopole 12/14/22

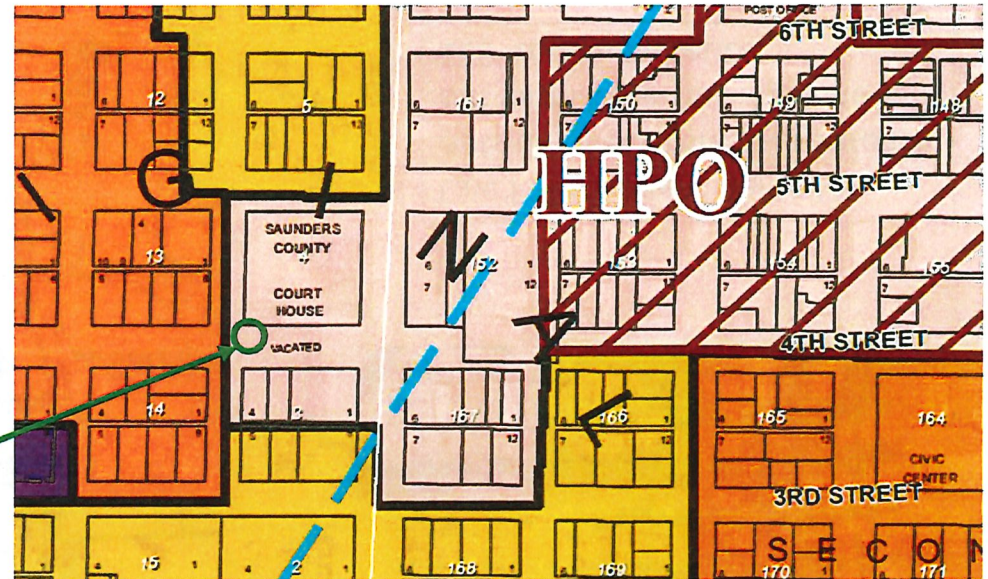


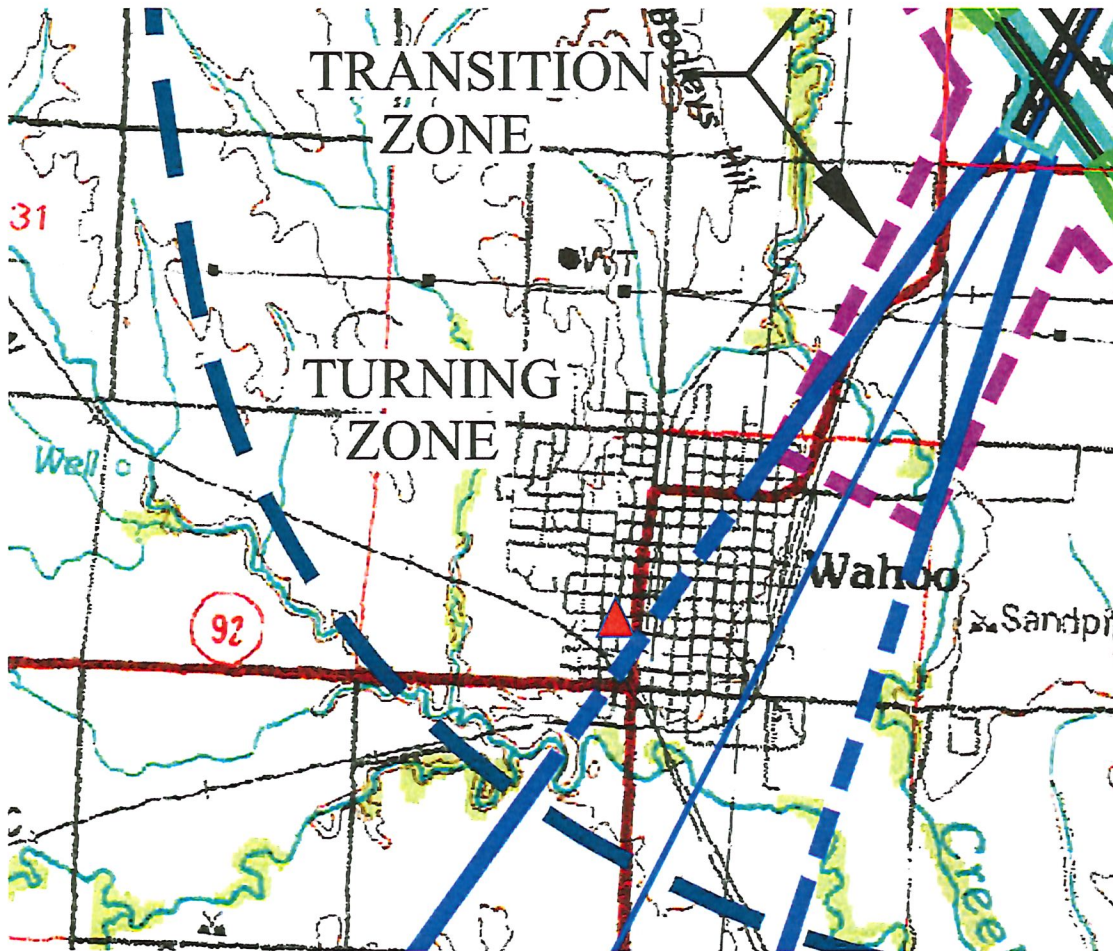


Courthouse / Law Enforcement Center Property:

- Zoned C-1: Downtown Commercial
- Outside of Airport Approach Zone
- 120 ft. height required to support two microwave dishes for network connectivity to other radio tower sites

New  
monopole  
tower location





RFCC – Law Enforcement Center Monopole 12/14/22



Law Enforcement Center is outside of the runway approach but within the Turning Zone – 150' tower limitation



## Sheriff's Office/Dispatch property – proposed 120' monopole

- Zoning ordinance requires clearance equal to the tower height **to the property line**
- Approximately 91' to property line, 120' to building



## Sheriff's Office/Dispatch property – proposed 150' monopole

- Proposed monopole was 150'
- Microwave dish height requirements:
  - 100' to OPPD tower
  - 95' to 15<sup>th</sup> and Hackberry
  - Meaning the monopole height could probably be reduced to 120'
- Zoning ordinance requires clearance equal to the tower height **to the property line**
- Approximately 91' to property line, 120' to building



- b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
- c. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.

### **Section 7.11 TOWER REGULATIONS.**

#### **7.11.01 Definitions**

The following definitions shall apply strictly to this Section and any conflict with other definitions within this other portions of this Ordinance shall not exist.

1. **ABANDONMENT** shall mean: (1) to cease operation for a period of 60 or more consecutive days; (2) to reduce the affected radiated power of an antenna by 75 percent for 60 or more consecutive days; (3) to relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or (4) to reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.
2. **ANTENNA** shall mean any exterior apparatus designed for telephonic, radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower, pole, light standard or building for the purpose of providing personal wireless services including, for example, unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "paging," "enhanced specialized mobile radio," "low power mobile radio" and "personal communications services" telecommunications services, and its attendant base station.
3. **ANTENNA HEIGHT** shall mean the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the parcel shall be used in calculating the antenna height.
4. **ANTENNA SUPPORT STRUCTURE** shall mean any pole, light standard, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio, telephonic or television frequency or television signals.
5. **CELL SITE** shall mean a tract or parcel of land that contains the telecommunications service facilities including any antenna, tower support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications services.
6. **FAA** shall mean the Federal Aviation Administration.
7. **FCC** shall mean the Federal Communications Commission.
8. **GOVERNING AUTHORITY** shall mean the Mayor and Council of the City of Wahoo, Nebraska.
9. **PERSONAL WIRELESS SERVICE** and **PERSONAL WIRELESS SERVICE FACILITIES**, as used in this Ordinance, shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future.
10. **TOWER** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including any antenna support structure, self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

#### **7.11.02 Exemptions**

The following are exempt from the provisions of this Ordinance and shall be permitted in all zones:



1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
2. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.
3. Radar systems for military and civilian communications and navigation.
4. Wireless radio utilized for temporary emergency communications in the event of a disaster.
5. Licensed amateur (ham) radio operations.
6. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.
7. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structure work or changes in height or dimensions of antennas, towers, or buildings), provided that compliance with the standards of this ordinance are maintained.
8. Subject to compliance with all other applicable standards of this ordinance, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until 30 days after the completion of such emergency activity.

#### 7.11.03 *Policy Statement*

The Planning Commission and City Council have received requests to site towers and antennas. The purpose of this Ordinance is to provide specific regulations for the placement, construction and modification of radio, television, and personal wireless service facilities. The provisions of this Ordinance are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of radio, television, and personal wireless services, nor shall the provisions of this Ordinance be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent services. The goals of this Ordinance are to: (i) encourage the location of towers on public property and in non-residential areas and to minimize the total number of towers throughout the City; (ii) encourage strongly the joint use of new and existing tower sites; (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the City is minimal; (iv) encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas; and (v) enhance the ability of the providers of telecommunications services to provide such services throughout the City quickly, effectively, and efficiently. Accordingly, the City Council finds that the promulgation of this Ordinance is warranted and necessary:

**To manage the location of towers and antennas in the City and provide for the use of public property for the placement thereof;**

1. To protect residential areas and land uses from potential adverse impacts of towers and falling ice;
2. To protect the airport hazard areas of the Wahoo Municipal Airport from potential adverse impact to operation, approach, transition and turning zones as depicted in the Nebraska Department of Aeronautics (NDA) zoning map for Wahoo Municipal Airport;
3. To minimize visual and aesthetic impacts of towers through minimal use of towers, careful design, siting, landscape screening, and innovative camouflaging techniques;
4. To accommodate the growing need for towers;
5. To promote and encourage shared use/co-location of existing and new towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;
6. To consider the public health and safety of towers to the extent allowed by the Telecommunications Act of 1996; and
7. To avoid potential damage to adjacent properties through engineering and proper siting of antenna support structure.

**New Uses:** All new antennas shall comply with this Ordinance after the date of passage.

**Existing Uses:** All towers existing on the date of passage of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such existing towers. New construction other than routine maintenance on existing towers shall comply with the requirements of this Ordinance.

#### 7.11.04 *Industry Site Selection Criteria*

In siting a new tower or antenna site, it is anticipated that the industry will propose locations that are technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. Specific locations within that general area will be evaluated using the following criteria that are not listed in order of priority;

1. Topography as it relates to line of sight transmissions for optimum efficiency.



2. Availability of road access.
3. Availability of electric power.
4. Availability of land-based telephone lines or microwave link capability.
5. Leasable lands, and landlords who want facilities to be located on their properties consistent with zoning regulations.
6. Screening potential of existing vegetation, structures and topographic features.
7. Zoning that will allow personal wireless service facilities.
8. Compatibility with adjacent land uses.
9. The fewest number of sites to cover the desired area.
10. The greatest amount of coverage, consistent with physical requirements.
11. Opportunities to mitigate possible visual impact.
12. Availability of suitable existing structures for antenna mounting.

#### 7.11.05 City Site Selection Criteria

As a fundamental element of this Ordinance, the telecommunications company proposing to construct an antenna support structure, or mount an antenna on an existing structure, is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further, the company must demonstrate by technological evidence that the height requested is the minimum height necessary.

Applications for necessary permits will only be processed when the applicant demonstrates that it is either an FCC licensed telecommunications provider or has in place necessary agreements with an FCC licensed telecommunications provider for use-or lease of the support structure.

Personal wireless service facilities should be located and designed to minimize any impacts on residential property values. Sites should be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

Location and design of sites in all Districts should consider the impact of the site on the surrounding neighborhood and the visual impact within the zone district. In residential districts and residential land use areas, the minimum lot size for towers shall be three acres.

#### 7.11.06 Priorities

The following establishes the order of priorities for locating new communications facilities:

1. Place antennas and towers on public property (excluding prairie, conservation or wildlife areas).
2. Place antennas on appropriate existing structures, such as buildings, towers, water towers, and smokestacks in other than residentially zoned districts.
3. Place antennas and towers in districts zoned District TA-1 Transitional Agricultural District, LLR, I-1 Light Industrial District, and I-2 Heavy Industrial District, which do not adjoin or adversely impact residential neighborhoods.
4. Place antennas and towers in the NRC Neighborhood Residential/Commercial District, provided that such towers may be no more than 40 feet in height.
5. Place antennas and towers on other private non-residential property in districts zoned C-1 Commercial District-Central Business District, and C-2 Commercial District-Highway.
6. Place antennas and towers on multi-family residential structures exceeding 30 feet in height in districts zoned R-3 Residential District-Multi-Family.
7. Place antennas and towers in R-2 Residential District-Single Family and R-3, Residential District-Single and Two Family: (a) only if locations for which a need has been demonstrated are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, parks (as provided in Sec. 7.11.07), schools, utility facilities or other appropriate public facilities.

An applicant for a new antenna support structure to be located in a residential zoning district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government structure, a private institutional structure, or other appropriate existing structures within a non-residential zoning district, and that due to valid considerations including physical constraints, or technological feasibility, no other appropriate location is available. The telecommunications company is required to demonstrate that it contacted the owners of structures in excess of 30 feet in height within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicant's network, and an evaluation of existing buildings taller than 30 feet, towers and water tanks within one-quarter mile of

the proposed tower.

#### 7.11.07 *Use of City Property*

##### 1. Priority of Users

Priority for the use of City-owned land for wireless telecommunication antennas and towers will be given to the following entities in descending order:

- a. City of Wahoo;
- b. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the City of Wahoo and private entities with a public safety agreement with the City of Wahoo;
- c. Other governmental agencies, for uses which are not related to public safety; and
- d. Entities providing licensed, and unlicensed (where permitted by law), commercial wireless telecommunication services, cellular, personal communicational services (PCS), radio and television services, specialized mobilized radio (SMIR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.

##### 2. Minimum Requirements

The placement of wireless telecommunication antennas or towers on City-owned property must comply with the following requirements:

1. The antennas or tower will not interfere with the purpose for which the City-owned property is intended;
2. The antennas or tower will have no significant adverse impact on surrounding private property;
3. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fees shall be established by the City Council after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of antenna or tower removal;
5. The antennas or tower will not interfere with other users who have a higher priority as discussed in Section 7.11.07 (1);
6. The applicant must reimburse the City for any costs which it incurs because of the presence of the applicant's antennas or tower;
7. The user must obtain all necessary land use approvals; and
8. The applicant will cooperate with the City's objective to promote co-locations and thus limit the number of separate antenna sites requested.

#### 7.11.08 *Special Requirements*

The use of certain City-owned property, such as water tower sites and parks, for wireless telecommunication antennas or towers brings with it special concerns due to the unique nature of these sites. The placement of wireless telecommunication antennas or towers on these special City-owned sites will be allowed only when the following additional requirements are met:

1. **Water Tower Sites** — The City's water tower represents a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality of the City's water supply is of prime importance to the City. As access to the City's water storage systems increases, so too increased is the potential for contamination of the public water supply. For these reasons, the placement of wireless telecommunication antennas on towers or the water tower site will be allowed only when the City is fully satisfied that the following additional requirements are met:
  - a. The applicant's access to the facility will not increase the risks of contamination to the City's water supply;
  - b. There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility;
  - c. The presence of the facility will not increase the water tower maintenance cost to the City; and
  - d. The presence of the facility will not be harmful to the health of workers maintaining the water tower.
2. **Parks** — the presence of certain personal wireless service facilities, antennas or towers represents a potential conflict with the purpose of some parks. In no case shall towers or antennas be allowed in designated prairie or other conservation or wildlife area unless they are to be installed in areas which currently contain tower facilities or antennas, and in no case shall towers or antennas be allowed in

areas without road access to the base of the tower, antenna support structure or facilities. Personal wireless facilities, antenna support structure, antennas or towers will be considered only in the following parks after the recommendation of the Planning Commission and approval of the City Council:

- a. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
- b. Commercial recreation areas and major play fields; and
- c. Park maintenance facilities.

#### 7.11.09 Co-Location

1. To minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one carrier on existing or new towers and location of such antennas on public property shall take precedence over the construction of new single-use towers on public property as follows:
  - a. Proposed antennas may, and are encouraged by the opportunity for expedited review as provided in this Ordinance to co-locate onto existing towers. Even where such co-location is accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this Ordinance, new or additional conditional use approval is required, and any other permit, license, lease, franchise requirements also must be satisfied.
  - b. The City may deny the application to construct a new tower if the applicant has not shown by substantial evidence that it has made a good faith effort to mount the antenna on an existing structure and/or public property.
  - c. In order to reduce the number of antenna support structures needed in the City in the future, any new proposed support structure shall be designed to accommodate antenna for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.
  - d. Unless co-location has been demonstrated to be infeasible, the site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users. The site plan for towers in excess of 100 feet must propose space for two comparable tower users while the site plan for towers under 100 feet must propose space for one comparable tower user.
  - e. To provide further incentive for co-location as a primary option, an existing tower may be modified or reconstructed to accommodate the co-location of additional antenna, provided the additional antenna shall be consistent with the use and aesthetics as that on the existing tower. This is permitted by conditional use permit for existing towers in all zoning districts, subject to the following criteria being met:
    - i. Height: An existing tower may be modified or rebuilt to a taller height, to accommodate the co-location of additional antenna, so long as it is done in accordance with (d) and (e), above.
    - ii. Onsite Location: A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on-site within 50 feet of its existing location so long as it remains within the same zone and complies with the other provisions of this Ordinance. After the tower is rebuilt to accommodate co-location, only one tower may remain on site.
    - iii. Signage Prohibited: Except as set forth in 7.11.08 (2)(c), no signs, banners or similar devices or materials may be attached to the towers, antenna support structure or antennas.
2. Subject to the priorities as set forth in 7.11.05, to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one carrier on existing or new towers and location of such antennas on commercial, business, industrial or residential property shall take precedence over the construction of new single-use towers on commercial, business, industrial or residential property, as follows:
  - a. Proposed antennas may co-locate onto existing towers. Even where such co-location is accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this Ordinance, new or additional conditional use approval is required, and any other permit, license, lease, or franchise requirements also must be satisfied.
  - b. The City may deny the application to construct a new tower if the applicant has not shown by substantial evidence that it has made a good faith effort to mount the antenna on an existing structure.
  - c. In order to reduce the number of antenna support structures needed in the City in the future, any new proposed support structure shall be designed to accommodate antenna for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical



- or physical reasons.
- d. Unless co-location has been demonstrated to be infeasible, the site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users. The site plan for towers in excess of 100 feet must propose space for two comparable tower users while the site plan for towers under 100 feet must propose space for one comparable tower user.
- e. To provide further incentive for co-location as a primary option, an existing tower may be modified or reconstructed to accommodate the co-location of additional antenna, provided the additional antenna shall be consistent with the use and aesthetics as that on the existing tower. This is permitted by conditional use permit for existing towers in all zoning districts, subject to the following criteria being met:
  - i. Height: An existing tower may be modified or rebuilt to a taller height, to accommodate the co-location of additional antenna, so long as it is done in accordance with (d) and (e), above.
  - ii. Onsite Location: A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within 50 feet of its existing location so long as it remains within the same zone and complies with the other provisions of this Ordinance. After the tower is rebuilt to accommodate co-location, only one tower may remain on site.
  - iii. Signage Prohibited: Except as set forth in 7.11.09 (2) (c), no signs, banners or similar devices or materials may be attached to the towers, antenna support structure or antennas.

#### 7.11.10 Design Criteria

1. New towers and antenna support structure shall be designed to accommodate co-location for antenna for more than one user throughout the City in zoning districts as permitted by this Ordinance, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.
2. Facilities should be architecturally compatible with the surrounding buildings and land uses in the zoning district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
  - a. Setback:
    - i. All towers up to fifty (50) feet in height shall be set back on all sides a distance equal to the manufacturers designed fall distance radius. The height of the tower shall be measured from the floor of the base pad to the top of the tower. Setback requirements shall be measured from the base of the tower to the nearest boundary line of the tract of land on which it is located.
    - ii. Towers of one hundred fifty (150) feet or less in height located in or adjacent to any residential or commercial district shall be located so that the distance from the base of the tower to any adjoining property line, or occupied structures other than those utilized by the tower owner, is a minimum of one hundred percent (100%) of the height of the tower.
    - iii. Towers exceeding one hundred fifty (150) feet in height may not be located in any residential district or commercial district, and must be separated from said districts and occupied structures other than those utilized by the tower owner, by a minimum of 300 feet or 100% of the height of the proposed tower, whichever is greater. Towers with heights greater than one hundred fifty (150) feet shall only be located in an industrial or agriculturally zoned district.
  - b. Towers must meet the following minimum separation requirements from other towers:
    - i. Monopole tower structures shall be separated from all other towers whether monopole, self-supporting lattice, or guyed towers, by a minimum of seven hundred fifty (750) feet.
    - ii. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of five thousand (5,000) feet.
  - c. Color: Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.
  - d. Lights. Signals and Signs: No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, at the time of construction of the tower in cases where there are residential users located within a distance which is 300% of the height of the tower from the tower, then dual mode lighting shall be requested from the FAA.
  - e. Equipment Structures: Ground level equipment and buildings and the tower base shall be screened from public streets and residentially zoned properties. The standards for the equipment buildings are as follows:
    - i. The maximum floor area is 350 square feet per provider and the maximum height is 12 feet. Depending upon the aesthetics and other issues, the City, in its sole discretion, may approve multiple equipment structures or one or more larger structures.



- ii. Ground level buildings shall be screened from adjacent properties by landscape plantings, fencing and other appropriate means, as specified herein or in the City Code.
- iii. Equipment buildings mounted on a roof and other roof mounted equipment shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
- iv. In instances where equipment structures are located in residential zones or in close proximity to public right-of-ways, equipment structures shall comply with setback requirements and shall be designed so as to conform in appearance with nearby structures.

Equipment buildings, antenna and related equipment shall occupy no more than 25 percent of the total roof area of a building, which may vary in the City's sole discretion if co-location and an adequate penthouse-type structure are used.

Antenna or equipment buildings not meeting these standards require a special exception in addition to the conditional use permit. The special exception must be approved on a comprehensive sketch plan or final development plan, as applicable.

3. **Federal Requirements:** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations in accordance with the compliance deadlines/requirements of such standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.
4. **Building Codes: Safety Standards:** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the Electronic Industries Association ("EIA"), as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the owner's expense.
5. **Structural Design:** Towers shall be constructed to the EIA Standards, which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the EJA Standards and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted to and reviewed at the time building permits are requested.
6. **Fencing:** A secure fence of suitable materials shall be provided around each tower. Access to the tower and equipment structures shall be through a locked gate.
7. **Antenna height:** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
8. **Antenna support structure safety:** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas also will not be negatively affected by interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
9. **Required parking:** If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the City. Security fencing should be colored or should be of a design that blends into the character of the existing environment.
10. **Antenna Criteria:** Antenna on or above a structure shall be subject to the following:
  - a. The antenna must be architecturally compatible with the building and wall on which it is mounted and designed and located so as to minimize any adverse aesthetic impact.



- b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless, for technical reasons, the antenna needs to project above the roof line. In no event shall an antenna project more than 10 feet above the roofline.
- c. The antenna shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
- d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.
- e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.
- f. The antenna, facilities and accessory equipment shelter must be architecturally and visually (color, size; bulk) compatible with surrounding existing buildings, structures, vegetation and/or uses or those likely to exist under the terms of the under in zoning. Such antenna, facilities and accessory equipment shelter will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.
- g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by City, in City's sole discretion, taking into consideration the site as built.
- h. For installations on buildings greater than 30 feet in height, see other applicable provisions of this Ordinance. In addition to the other requirements of this Ordinance, on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:
  - i. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
  - ii. No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.
  - iii. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the City's sole discretion, if co-location and an adequate penthouse-type structure are used.
  - iv. Roof-mounted antenna and related base stations must be appropriately camouflaged or substantially screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
  - v. No portion of the antenna may exceed 10 feet above the height of the existing building.
- i. If a proposed antenna is located on a building or a lot subject to a site review, conditional use approval is still required prior to the issuance of a building permit.
- j. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna has been approved in accordance with the City Code.
- k. No antenna owner or lessee or officer or employee thereof shall fail to cooperate in good faith to accommodate other competitors in their attempts to use the same tower or building for other antennas. If a dispute arises about the feasibility of accommodating another competitor, the City may require a third party technical study, at the expense of either or both parties, to resolve the dispute.
- l. No antenna owner or lessee shall fail to assure that the antenna complies at all times with the then current applicable EIA or FCC standards, or other applicable federal standards, whichever standard is more stringent. After installation, but prior to putting the antenna in service, each antenna owner shall provide a notarized statement signed by a qualified engineer to that effect.
- m. No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety signals, and television and radio broadcast signals.
- n. No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this Ordinance.

#### 7.11.11 Other Permitted Uses

Applications for antenna for personal wireless communications services and associated unmanned equipment buildings may be reviewed in accordance with the use by special review process so long as the requirements of this Ordinance and the following standards are met:

- 1. In addition to the other requirements in this Ordinance, where the antenna is attached to the roof or sides of a building, an existing tower, a water tank, or a similar structure;
- 2. The following antenna are permitted under the provisions of this section:



- a. Omnidirectional or whip antenna no more than seven inches in diameter and extending no more than 10 feet above the structure to which they are attached; or
- b. Panel or similar antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet; or
3. Antenna and antenna array not on publicly-owned property shall not extend more than 10 feet above the highest point of the structure on which it is mounted. The antenna, antenna array, and its support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires, in all zones. The antenna, antenna array, and its support structure shall be a color that blends with the structure on which they are mounted.
4. Setback from street: Unless there are unusual geographic limitations or other public policy considerations, as determined in the City's sole discretion, no such antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located.
5. Guy wires restricted: No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except upon approval of a conditional use permit.

#### 7.11.12 *Inspection Requirements*

Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EJA and FCC Standards and, within 60 days of the inspection, file a report with the City. Submission of a FCC required, and duly filed, safety inspection report, or the facility operator's maintenance reports for the prior 12 months in the event no FCC report is required for such year, to the City shall satisfy the requirements of this section.

#### 7.11.13 *Landscaping/Screening*

1. Landscaping.  
Landscaping, as described herein, shall be required to screen as much of the support structure as possible, the fence surrounding both the support structure and any other ground level features (such as a building), and in general soften the appearance of the cell site. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.
2. Screening.  
The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures, except that the standards may be waived by the City for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.
  - a. A row of evergreen trees a minimum of 10 feet tall at planting a maximum of six feet apart, or a row of deciduous or coniferous trees a minimum of 10 feet tall at planting a maximum of 15 feet to 25 feet apart shall be planted around the perimeter of the fence; or
  - b. A continuous hedge at least 36 inches high, or a five-gallon size shrub, at planting capable of growing to at least 48 inches in height within 18 months shall be planted around the perimeter of the tower and accessory structures.
3. Maintenance.  
In the event that landscaping is not maintained at the required level, the City, after giving 30 days advance written notice, may maintain or do the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.

#### 7.11.14 *Non-Use/Abandonment*

1. Abandonment:  
In the event the use of any tower or antenna has been discontinued for a period of 60 consecutive days, the tower or antenna shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which "shall have the right to request documentation and/or affidavits from the tower or antenna owner/operator regarding the issue of tower or antenna usage. Upon such abandonment, the owner/operator of the tower or antenna or the owner of property upon

which such facility is located shall have an additional 60 days within which to:

- a. Reactivate the use of the tower or antenna or transfer the tower or antenna to another owner/operator who makes actual use of the tower or antenna; or
- b. In the event that abandonment as defined in this Ordinance occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the affected radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove that portion of the tower that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment; however, in the event that there is a physical reduction in height of substantially all of the providers' towers in the City, then all of such providers' towers within the City shall similarly be reduced in height.
- c. Dismantle and remove the tower or antenna. If such tower or antenna is not removed within said 60 days from the date of abandonment, the City may remove such tower or antenna, in accordance with applicable law, at the facility owner's and/or property owner's expense. If there are two or more users of a single tower or antenna, then this provision shall not become effective until all users cease using the tower or antenna.

At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower or antenna shall automatically expire.

#### 7.11.15 *Application Requirements*

In the course of reviewing any request for any approval required under this Ordinance, made by an applicant to provide personal wireless service or to install personal wireless service facilities, the Planning Commission or the City Council, as the case may be, shall act within a reasonable period of time after the request is duly filed with the City, taking into account the nature and scope of the request, and any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. All applicants who wish to locate a wireless telecommunication antenna or tower in the City must submit to the City Clerk a completed application and detailed plan that complies with the submittal requirements of this Ordinance, the Zoning Code and other regulations and ordinances of the City along with other pertinent information requested by the City. Application submission for conditional use, variance, and building permit requests may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures;
2. A current map and aerial as provided by the County Surveyor's office showing the location of the proposed tower;
3. Legal description of the parcel, if applicable;
4. Approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;
5. A landscape plan showing specific landscape materials;
6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
7. A notarized letter signed by the applicant stating the tower will comply with all EIA Standards and all applicable federal and state laws and regulations and the City Code including specifically FAA regulations;
8. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antenna for future users;
9. A notarized letter signed by the applicant stating that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;
10. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;
11. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;
12. A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access, and all other items required in this Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure;



13. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the City;
14. This Ordinance shall apply to all applications which were filed prior to the effective date hereof and which have not been approved by the City Council as of the effective date of this Ordinance, and to applications filed thereafter.

#### 7.11.16 *Third Party Review*

The telecommunications providers use various methodologies and analysis tools, including geographically-based computer software, to determine the specific technical parameters of telecommunications services and facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, there may be a need for expert review by a third party of the technical data submitted by the telecommunications provider. The City Council or the Planning Commission may require such a technical review, to be paid for by the applicant for the telecommunications services or facilities. The selection of the third party expert shall be by mutual agreement between the applicant and City, such agreement not to be unreasonably withheld by either party. The expert review is intended to be a site-specific review of technical aspects of the telecommunications services or facilities and other matters as described herein with respect to potential interference issues, and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the City Council, Planning Commission, City Staff, or interested parties. Based on the results of the third party review, the City may require changes to the application for the telecommunications services, facilities and other matters as described herein that comply with the recommendations of the expert.

#### 7.11.17 *Conditional Use Permit Requirement*

Notwithstanding anything to the contrary contained herein, in all instances a Conditional Use Permit must be obtained with the affirmative vote of City Council before any radio, television, personal wireless services or facilities may be constructed or operated within the City or zoning jurisdiction.

#### 7.11.18 *Termination*

The City Council may, subject to applicable law, rescind any previously granted or pending City approval or lease necessary for the construction, installation or operation of telecommunications facilities if it determines that any one of the following conditions exist:

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use;
2. A user's frequency broadcast unreasonably interferes with other users of higher priority of use as set forth in Sec. 7.11.06, regardless of whether or not this interference was adequately predicted in the technical analysis; or
3. A user violates any of the standards in this Ordinance or the conditions of City approval, lease provisions with the City or other terms of authorization by the City.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide a reasonable opportunity for the user to either cure the alleged interference, violation or condition or address the City Council regarding the proposed action.

This procedure need not be followed in emergency situations.

Notwithstanding the above, the City Council reserves the right to deny, for any reason, the use of any or all City-owned property by any one or all applicants. Such denial shall be in writing and supported by substantial evidence contained in a written record.

### **Section 7.12 FENCES:**

7.12.01 No fence shall be constructed within the zoning jurisdiction of the City of Wahoo unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

1. The height limitation for fences shall be six feet above ground level except as provided herein.
2. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed 48 inches in height.
3. A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to

# Annual Certification for Volunteer Emergency Responders

# Annual Certification for the Volunteer Emergency Responders Incentive Act

To be completed by a confirmed and approved Certification Administrator for certification years 2019 and after.  
Include only those volunteer members who have earned 50 or more points during the calendar year (see instructions).

Identify the Nebraska County, City, Village, or Rural or Suburban Fire Protection District the Volunteer Department Serves  
City of Wahoo

Calendar Year  
2022

Identify the Volunteer Department for Which This Certification is Being Provided  
Wahoo Fire & EMS Department

☒ Checking this box verifies that all volunteer members included on this annual certification were not paid an hourly wage for their volunteer responder duties.

| Legal Name of<br>Qualified Volunteer Member | Address  | Last Four Digits of<br>Social Security Number | Points Earned<br>this Calendar Year |
|---|--|---|-------------------------------------|
| Grant I. Anderson                           | 2151 North Sycamore, Wahoo NE 68066            |   | 71                                  |
| Kyle Arp                                    | 457 East 7th Street, Wahoo NE 68066            |   | 57                                  |
| Dan Belford                                 | 659 North Sycamore, Wahoo NE 68066             |   | 74                                  |
| Kenneth L. Braun                            | 1059 North Broadway, Wahoo NE 68066            |   | 67                                  |
| Joshua M. Buckmaster                        | 835 West 11th Street, Wahoo NE 68066           |   | 73                                  |
| Bridget Burmeister                          | 1444 North Elm Street, Wahoo NE 68066          |   | 68                                  |
| Jayden Burmeister                           | 1444 North Elm Street, Wahoo NE 68066          |   | 82                                  |
| Jordan Camp                                 | 1 Daisy Trail, Wahoo NE 68066                  |   | 52                                  |
| <del>Deric Day Jr.</del>                    | <del>440 West 1st Street, Wahoo NE 68066</del> |   | <del>44</del>                       |
| Brett M. Geary                              | 740 West 8th Street, Wahoo NE 68066            |   | 50                                  |
| Gary Hansson                                | 158 N Broadway, Wahoo NE 68066                 |   | 52                                  |
| Cody B. Hull                                | 1175 North Locust, Wahoo NE 68066              |   | 66                                  |
| Jayne L. Iversen                            | 1357 North Orange Street, Wahoo NE 68066       |   | 50                                  |
| Christopher Kems                            | 702 County Road K, Yutan NE 68073              |   | 58                                  |
| Cory A. Kumpula                             | 739 North Walnut, Wahoo NE 68066               |   | 62                                  |
| Michelle Libal                              | 271 North 31st Street, Ashland NE 68003        |   | 56                                  |
| Mike Miers                                  | 2228 North Sycamore, Wahoo NE 68066            |   | 59                                  |
| Garrett Packett                             | 1470 County Road G, Wahoo NE 68066             |   | 72                                  |

I hereby certify and declare under penalties of law that the individuals listed above (and on attached lists, if necessary) have met the minimum requirements (50 points or more) for the listed calendar year and have qualified as active members of the volunteer emergency responder unit, rescue squad unit, or firefighter unit identified above, and were not paid an hourly wage for their emergency responder duties.

sign  
here

Signature of Confirmed and Approved Certification Administrator

Date

Daytime Phone

Printed Name

Email Address

Submit this certification to the Volunteer Emergency Responders  
web page at [revenue.nebraska.gov](http://revenue.nebraska.gov) or mail to:  
Nebraska Department of Revenue, PO Box 94609, Lincoln, NE 68509-4609.

# Annual Certification for the Volunteer Emergency Responders Incentive Act

To be completed by a confirmed and approved Certification Administrator for certification years 2019 and after.  
Include only those volunteer members who have earned 50 or more points during the calendar year (see instructions).

Identify the Nebraska County, City, Village, or Rural or Suburban Fire Protection District the Volunteer Department Serves  
City of Wahoo

Calendar Year  
2022

Identify the Volunteer Department for Which This Certification is Being Provided  
Wahoo Fire & EMS Department

☒ Checking this box verifies that all volunteer members included on this annual certification were not paid an hourly wage for their volunteer responder duties.

| Legal Name of<br>Qualified Volunteer Member | Address                             | Last Four Digits of<br>Social Security Number | Points Earned<br>this Calendar Year |
|---|-------------------------------------|---|-------------------------------------|
| Hunter Persing                              | 445 East 8th Street, Wahoo NE 68066 |   | 56                                  |
| David B. Privett                            | 759 North Broadway, Wahoo NE 68066  |   | 52                                  |
| Christopher C. Rappl                        | 11 Fairway Drive, Wahoo NE 68066    |   | 73                                  |
| Brennan Roth                                | PO Box 311, Ceresco NE 68017        |   | 58                                  |
| Jason W. Semrad                             | 1308 North Beech, Wahoo NE 68066    |   | 51                                  |
| Schyler Shanahan                            | 1967 Sutton Drive, Wahoo NE 68066   |   | 50                                  |
| Tyler Virgl                                 | 1520 County Road O, Colon NE 68018  |   | 72                                  |
| Corey L. Wagner                             | 233 East 1st Street, Wahoo NE 68066 |   | 56                                  |
| Craig Wagner                                | 1132 North Sycamore, Wahoo NE 68066 |   | 50                                  |
| Carl W. Warford                             | 2134 North Locust, Wahoo NE 68066   |   | 70                                  |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |
|   |                                     |   |                                     |

I hereby certify and declare under penalties of law that the individuals listed above (and on attached lists, if necessary) have met the minimum requirements (50 points or more) for the listed calendar year and have qualified as active members of the volunteer emergency responder unit, rescue squad unit, or firefighter unit identified above, and were not paid an hourly wage for their emergency responder duties.

sign  
here

Signature of Confirmed and Approved Certification Administrator

Date

Daytime Phone

Printed Name

Email Address

Submit this certification to the Volunteer Emergency Responders  
web page at [revenue.nebraska.gov](http://revenue.nebraska.gov) or mail to:  
Nebraska Department of Revenue, PO Box 94609, Lincoln, NE 68509-4609.

# Audit Waiver

## 2022 AUDIT WAIVER REQUEST FORM

SUBDIVISION NAME: **Wahoo Public Building & Grounds Assoc**  
COUNTY LOCATION: **Saunders** County  
FISCAL PERIOD USED: **January 1, 2022** TO **December 31, 2022**

The governing board of the above-named subdivision hereby requests that the Auditor of Public Accounts waive the 2022 audit requirement established by Title 41 of the rules and regulations issued by the Auditor of Public Accounts. The attached information is an accurate summary of the total financial activity and position of the above-named subdivision for the 2022 fiscal year stated.

### Entity Official Address

605 N. Broadway  
(Address)  
Wahoo, NE 68066  
(City & Zip Code)  
402-443-3222  
(Telephone)  
(Website)

### Board Chairperson

Gerald D. Johnson  
(Name)  
President  
(Title)  
402-443-3222  
(Telephone)  
(E-Mail Address) ✱

### Preparer

Melissa M. Harrell  
(Name)  
City Administrator, City of Wahoo  
(Title / Firm Name)  
402-443-3222  
(Telephone)  
harrell@wahoo.ne.us  
(Email Address)

### Other Contact

(Name)  
(Title / Firm Name)  
(Telephone)  
(Email Address)

✱NOTE: Notification of the Approval of this Audit Waiver will be sent to the Board Chairperson via e-mail. If no e-mail address is included, notification will be mailed via the US Postal Service.

For Questions on this form, who should we  
contact (please ✓ one):  
Contact will be via e-mail, if supplied.

☐ Board Chairperson  
☒ Preparer  
☐ Other Contact

\*\*\*The decision to request a waiver of the audit requirement rather than having an audit performed must be made by the governing board, not an individual officer. A copy of the minutes from the meeting at which the governing board voted to approve the waiver request must be attached to document that decision.

**If Budget was used as Waiver, DO NOT submit this form also.  
DO NOT ATTACH THIS FORM TO BUDGET DOCUMENT**

NOTE: Remember to keep a copy for your records

**Wahoo Public Building & Grounds Assoc  
Saunders**

**2022 AUDIT WAIVER REQUEST**

**SUMMARY STATEMENT OF ACTUAL CASH RECEIPTS, DISBURSEMENTS, AND BALANCES**

|   | Total of All Funds |
|---|--------------------|
| 1 <b>Beginning of Year Balance:</b>                                       |                    |
| 2 Net Cash Balance  | \$125,516.93       |
| 3 Investments   | \$0.00             |
| 4 County Treasurer's Balance  | \$0.00             |
| 5 <b>Subtotal of Beginning Balances</b> [Line 2 + Line 3 + Line 4]        | \$125,516.93       |
| 6 <b>Receipts:</b>  |                    |
| 7 Personal and Real Property Taxes  | \$0.00             |
| 8 Federal Receipts  | \$0.00             |
| 9 State Receipts  | \$0.00             |
| 10 State Receipts -- _____  | \$0.00             |
| 11 State Receipts -- _____  | \$0.00             |
| 12 Local Receipts   | \$231,536.03       |
| 13 Local Receipts -- Borrowed Funds                                       | \$182,503.76       |
| 14 Local Receipts -- _____  | \$0.00             |
| 15 Transfers Between Funds In <i>(Explain Transfers Below)</i>            | \$0.00             |
| 16 <b>Total Resources Available</b> [Total of Line 5 + Lines 7 thru 15]   | \$539,556.72       |
| 17 <b>Disbursements:</b>  |                    |
| 18 Operating Expenses   | \$4,174.54         |
| 19 Capital Improvements (Real Property/Improvements)                      | \$182,503.76       |
| 20 Other Capital Outlay   | \$0.00             |
| 21 Debt Service: Bond Principal & Interest Payments                       | \$0.00             |
| 22 Debt Service: Other  | \$224,145.53       |
| 23 Judgments  | \$0.00             |
| 24 Transfers Between Funds Out <i>(Explain Transfers Below)</i>           | \$0.00             |
| 25 <b>Total Disbursements</b> [Total of Lines 18 thru 24]                 | \$410,823.83       |
| 26 <b>Balance Forward/Ending Balance</b> [Line 16 MINUS Line 25]          | \$128,732.89       |
| 27 <b>Ending Balance consists of:</b>                                     |                    |
| 28 Cash on Hand and in Bank   | \$128,732.89       |
| 29 Investments  | \$0.00             |
| 30 Cash at County Treasurer   | \$0.00             |
| 31 <b>Total</b> [Line 28 + Line 29 + Line 30] <b>Should Equal Line 26</b> | \$128,732.89       |

**Inter-fund Transfers:**

|       |  |        |
|-------|--|--------|
| From: |  | Amount |
| To:   |  |        |

Reason:



164 East 5th Street  
Wahoo, NE 68066

RETURN SERVICE REQUESTED

>000010 7139583 0001 93722 10Z

00993774  
MSP 57

WAHOO PUBLIC BUILDING & GROUND  
BUILDING & GROUNDS ASSOC  
MELISSA M HARRELL  
605 N BROADWAY ST  
WAHOO NE 68066-1607



## Statement Ending 12/30/2022

WAHOO PUBLIC BUILDING &

Page 1 of 2

Customer Number: XX2580

### Managing Your Accounts



Wahoo State Bank



Phone: 402-443-3207



Address: 164 East 5th Street  
Wahoo, NE 68066



Web Address: [www.wahoostatebank.com](http://www.wahoostatebank.com)

### Summary of Accounts

| Account Type         | Account Number | Ending Balance |
|----------------------|----------------|----------------|
| REGULAR NON PERSONAL | XX2580         | \$128,732.89   |

### REGULAR NON PERSONAL-XX2580

#### Account Summary

| Date       | Description             | Amount       |
|------------|-------------------------|--------------|
| 12/01/2022 | Beginning Balance       | \$128,732.89 |
|            | 1 Credit(s) This Period | \$4,050.00   |
|            | 1 Debit(s) This Period  | \$4,050.00   |
| 12/30/2022 | Ending Balance          | \$128,732.89 |

#### Account Activity

| Post Date  | Description                                      | Debits     | Credits    | Balance      |
|------------|--|------------|------------|--------------|
| 12/01/2022 | Beginning Balance                                |            |            | \$128,732.89 |
| 12/07/2022 | TRANSFER FROM SUPERNOW NON PERS ACCOUNT<br>24356 |            | \$4,050.00 |              |
| 12/08/2022 | USDA RD DCFO PAYMENT 0000                        | \$4,050.00 |            |              |
| 12/30/2022 | Ending Balance                                   |            |            | \$128,732.89 |

#### Daily Balances

| Date       | Amount       | Date       | Amount       |
|------------|--------------|------------|--------------|
| 12/07/2022 | \$132,782.89 | 12/08/2022 | \$128,732.89 |

#### Overdraft and Returned Item Fees

|                          | Total for this period | Total year-to-date |
|--------------------------|-----------------------|--------------------|
| Total Overdraft Fees     | \$0.00                | \$0.00             |
| Total Returned Item Fees | \$0.00                | \$0.00             |





**WAHOO PUBLIC BUILDING and GROUNDS  
FINANCIAL STATEMENT**

|  | ACTUAL<br>12/31/2019   | ACTUAL<br>12/31/2020   | ACTUAL<br>12/31/2021   | ACTUAL<br>12/31/2022   |
|--|------------------------|------------------------|------------------------|------------------------|
| Cash   | \$ 74,989.07           | \$ 57,809.53           | \$ 60,215.93           | \$ 60,548.89           |
| Reserved Cash                                    | \$ 59,535.00           | \$ 62,418.00           | \$ 65,301.00           | \$ 68,184.00           |
| Earnest deposit                                  | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Fixed Assets                                     | \$ 2,753,186.51        | \$ 2,772,418.51        | \$ 2,772,418.51        | \$ 4,232,668.51        |
| Construction in Progress                         | \$ -                   | \$ -                   | \$ 1,277,746.24        | \$ -                   |
| Disposed Fixed Assets                            | \$ (168,949.15)        | \$ (168,949.15)        | \$ (168,949.15)        | \$ (168,949.15)        |
| Restricted Assets                                | \$ (320,000.00)        | \$ (320,000.00)        | \$ (320,000.00)        | \$ (320,000.00)        |
| Accumulated Depreciation                         | \$ (531,942.91)        | \$ (595,021.57)        | \$ (658,420.76)        | \$ (773,203.81)        |
| <b>Total Assets</b>                              | <b>\$ 1,866,818.52</b> | <b>\$ 1,808,675.32</b> | <b>\$ 3,028,311.77</b> | <b>\$ 3,099,248.44</b> |
| Accounts Payable                                 | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Interim Financing - FNB                          | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Interim Financing - WSB                          | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Wahoo State Bank, Current Liability              | \$ 12,250.00           | \$ 12,559.04           | \$ 1,050.41            | \$ -                   |
| Wahoo State Bank, Long Term, net of current      | \$ 13,613.03           | \$ 1,061.10            | \$ -                   | \$ -                   |
| First National Bank, Current Liability           | \$ 19,007.61           | \$ 19,000.00           | \$ -                   | \$ -                   |
| First National Bank, Long Term, net of current   | \$ 48,115.18           | \$ 10,845.99           | \$ -                   | \$ -                   |
| Firstbank of NE (HBF), Current Liability         | \$ -                   | \$ -                   | \$ 35,000.00           | \$ 125,487.08          |
| Firstbank of NE (HBF), Long Term, net of current | \$ -                   | \$ -                   | \$ 1,101,801.75        | \$ 1,068,523.46        |
| USDA Loan (LIB), Current Liability               | \$ 14,500.00           | \$ 15,739.79           | \$ 15,062.55           | \$ 15,754.52           |
| USDA Loan (LIB), Long Term, net of current       | \$ 737,930.98          | \$ 721,642.73          | \$ 706,580.18          | \$ 689,425.33          |
| USDA Loan (WSC), Current Liability               | \$ 24,000.00           | \$ 6,545.81            | \$ 6,799.46            | \$ 7,062.94            |
| USDA Loan (WSC), Long Term, net of current       | \$ 557,300.00          | \$ 568,452.56          | \$ 561,653.10          | \$ 554,590.16          |
| <b>Total Liabilities</b>                         | <b>\$ 1,426,716.80</b> | <b>\$ 1,355,847.02</b> | <b>\$ 2,427,947.45</b> | <b>\$ 2,460,843.49</b> |
| <b>Unrestricted, Net Assets</b>                  | <b>\$ 440,101.72</b>   | <b>\$ 452,828.30</b>   | <b>\$ 600,364.32</b>   | <b>\$ 638,404.95</b>   |
| <b>Total Liabilities &amp; Net Assets</b>        | <b>\$ 2,306,920.24</b> | <b>\$ 2,261,503.62</b> | <b>\$ 3,628,676.09</b> | <b>\$ 3,737,653.39</b> |
| <b>Revenues</b>                                  |                        |                        |                        |                        |
| Contributions                                    | \$ 20,000.00           | \$ 40,000.00           | \$ 30,716.48           | \$ -                   |
| Loan Income - Firstbank Hackberry                | \$ -                   | \$ -                   | \$ 1,277,746.24        | \$ 182,503.76          |
| Loan Income - WSB Manstedt                       | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Loan Income - Service Center                     | \$ -                   | \$ 31,710.00           | \$ 31,710.00           | \$ 31,710.00           |
| Rental Income - Library                          | \$ 48,600.00           | \$ 48,600.00           | \$ 48,600.00           | \$ 48,600.00           |
| Rental Income - Hackberry Ball Fields            | \$ -                   | \$ -                   | \$ 145,665.86          | \$ 145,665.86          |
| Rental Income - Farm                             | \$ 3,827.93            | \$ 4,205.85            | \$ 4,836.90            | \$ 4,507.50            |
| Rental Income - Manstedt                         | \$ 12,760.44           | \$ 12,760.44           | \$ 12,760.44           | \$ 1,052.67            |
| Rental Income - Airpark                          | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Less: Credit applied to purchase as per agmt     | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Rental Income: North Chestnut                    | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Sale of Property                                 | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Reimbursement/Other                              | \$ 829.50              | \$ -                   | \$ -                   | \$ -                   |
| <b>Total Revenues</b>                            | <b>\$ 86,017.87</b>    | <b>\$ 137,276.29</b>   | <b>\$ 1,552,035.92</b> | <b>\$ 414,039.79</b>   |
| <b>Expenses</b>                                  |                        |                        |                        |                        |
| Depreciation                                     | \$ 61,475.99           | \$ 63,078.67           | \$ 63,399.17           | \$ 114,783.05          |
| Construction Expenses                            | \$ 1,425.00            | \$ -                   | \$ 1,277,746.24        | \$ 182,503.76          |
| Insurance  | \$ 2,365.57            | \$ 2,153.39            | \$ 2,397.50            | \$ 2,513.89            |
| Interest   | \$ 46,305.18           | \$ 59,317.65           | \$ 60,923.99           | \$ 74,537.81           |
| Professional Fees                                | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Transfer to City of Wahoo                        | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Loss on Disposal of Property                     | \$ -                   | \$ -                   | \$ -                   | \$ -                   |
| Other  | \$ 857.70              | \$ -                   | \$ 33.00               | \$ 1,660.65            |
| <b>Total Expenses</b>                            | <b>\$ 112,429.44</b>   | <b>\$ 124,549.71</b>   | <b>\$ 1,404,499.90</b> | <b>\$ 375,999.16</b>   |
| <b>Difference</b>                                | <b>\$ (26,411.57)</b>  | <b>\$ 12,726.58</b>    | <b>\$ 147,536.02</b>   | <b>\$ 38,040.63</b>    |
| <b>Beginning of Year Net Assets</b>              | <b>\$ 466,513.29</b>   | <b>\$ 440,101.72</b>   | <b>\$ 452,828.30</b>   | <b>\$ 600,364.32</b>   |
| <b>End of Year Net Assets</b>                    | <b>\$ 440,101.72</b>   | <b>\$ 452,828.30</b>   | <b>\$ 600,364.32</b>   | <b>\$ 638,404.95</b>   |

|   | <u>2019</u>            | <u>2020</u>            | <u>2021</u>              | <u>2022</u>            | <u>2023-BUD</u>        |
|---|------------------------|------------------------|--------------------------|------------------------|------------------------|
| WSB Checking Acct - Beginning Balance           | \$ 46,888.77           | \$ 134,524.07          | \$ 120,227.53            | \$ 125,516.93          | \$ 128,732.89          |
| Revenue   |                        |                        |                          |                        |                        |
| City of Wahoo - Library                         | \$ 48,600.00           | \$ 48,600.00           | \$ 48,600.00             | \$ 48,600.00           | \$ 48,600.00           |
| City of Wahoo - Hackberry                       | \$ 20,000.00           | \$ 40,000.00           | \$ 30,716.48             | \$ -                   | \$ -                   |
| City of Wahoo - Manstedt                        | \$ 12,760.44           | \$ 12,760.44           | \$ 12,760.44             | \$ 1,052.67            | \$ -                   |
| City of Wahoo - WSC                             | \$ -                   | \$ 31,710.00           | \$ 31,710.00             | \$ 31,710.00           | \$ 31,710.00           |
| City of Wahoo - Ball Field Improvements         | \$ -                   | \$ -                   | \$ 145,665.86            | \$ 145,665.86          | \$ 145,666.00          |
| City of Wahoo - Reimbursement                   | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Loan Proceeds - Hackberry                       | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Loan Proceeds - Manstedt                        | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Loan Proceeds - Service Center - Interim        | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Loan Proceeds - Firstbank - Ball Field          | \$ -                   | \$ -                   | \$ 1,277,746.24          | \$ 182,503.76          | \$ -                   |
| USDA Loan Proceeds - Service Center - Perm      | \$ 581,300.00          | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Wahoo Utilities - Reimbursement                 | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Farm Lease Revenue                              | \$ 3,827.93            | \$ 4,205.85            | \$ 4,836.90              | \$ 4,507.50            | \$ 4,900.00            |
| Wahoo Airpark - Lease Pmt                       | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Sale of property - Airpark Lots                 | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Insurance Proceeds                              | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Misc Revenue                                    | \$ 829.50              | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| <b>TOTAL AVAILABLE</b>                          | <b>\$ 714,206.64</b>   | <b>\$ 271,800.36</b>   | <b>\$ 1,672,263.45</b>   | <b>\$ 539,556.72</b>   | <b>\$ 359,608.89</b>   |
| Expenses  |                        |                        |                          |                        |                        |
| USDA Loan - Pmt                                 | \$ (48,600.00)         | \$ (48,600.00)         | \$ (48,600.00)           | \$ (48,600.00)         | \$ (48,600.00)         |
| Hackberry Loan (FNB) - Pmt                      | \$ (20,000.00)         | \$ (40,000.00)         | \$ (30,716.48)           | \$ -                   | \$ -                   |
| Manstedt Property Loan (WSB) - Pmt              | \$ (12,760.44)         | \$ (12,760.44)         | \$ (12,760.44)           | \$ (1,052.67)          | \$ -                   |
| Service Center Property Loan (WSB) - Int        | \$ (6,906.00)          | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Interim Loan - WSB - Close Loan - Svc Cnt       | \$ (486,767.86)        | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| USDA Loan - Pmt - Service Center                | \$ -                   | \$ (28,827.00)         | \$ (28,827.00)           | \$ (28,827.00)         | \$ (28,830.00)         |
| Hackberry Ball Field (FBN) - Pmt                | \$ -                   | \$ -                   | \$ (145,665.86)          | \$ (145,665.86)        | \$ (145,666.00)        |
| Insurance                                       | \$ (2,188.57)          | \$ (2,153.39)          | \$ (2,397.50)            | \$ (2,513.89)          | \$ (2,500.00)          |
| Audit Fees                                      | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Property Taxes - Wahoo Airpark                  | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Property Taxes - Houfek Property                | \$ -                   | \$ -                   | \$ -                     | \$ (1,660.65)          | \$ (1,700.00)          |
| Closing Expenses - Airpark (Rent Credit & Fees) | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Transfer of Funds to City of Wahoo              | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Other   | \$ (275.50)            | \$ -                   | \$ (33.00)               | \$ -                   | \$ (500.00)            |
| 2021 Hackberry Construction Project             | \$ -                   | \$ -                   | \$ (1,277,746.24)        | \$ (182,503.76)        | \$ -                   |
| Hackberry Expenses (initial purchase)           | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Manstedt Property (initial purchase)            | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Library Repairs (Water Damage)                  | \$ -                   | \$ -                   | \$ -                     | \$ -                   | \$ -                   |
| Wahoo Service Centers (initial purchase/improv) | \$ (2,184.20)          | \$ (19,232.00)         | \$ -                     | \$ -                   | \$ (55,000.00)         |
| <b>TOTAL EXPENSES</b>                           | <b>\$ (579,682.57)</b> | <b>\$ (151,572.83)</b> | <b>\$ (1,546,746.52)</b> | <b>\$ (410,823.83)</b> | <b>\$ (282,796.00)</b> |
| <b>ENDING BALANCE</b>                           | <b>\$ 134,524.07</b>   | <b>\$ 120,227.53</b>   | <b>\$ 125,516.93</b>     | <b>\$ 128,732.89</b>   | <b>\$ 76,812.89</b>    |
| Restricted - Library                            | \$ 59,535.00           | \$ 59,535.00           | \$ 59,535.00             | \$ 59,535.00           | \$ 59,535.00           |
| Restricted - WSC                                | \$ -                   | \$ 2,883.00            | \$ 5,766.00              | \$ 8,649.00            | \$ 11,532.00           |
| Non-restricted                                  | \$ 74,989.07           | \$ 57,809.53           | \$ 60,215.93             | \$ 60,548.89           | \$ 5,745.89            |

|  | 2019            | 2020           | 2021            | 2022            | 2023-BUD        |                      |
|--|-----------------|----------------|-----------------|-----------------|-----------------|----------------------|
| Beginning Loan Balance - USDA (Library)        | \$ 766,775.97   | \$ 752,430.98  | \$ 737,382.53   | \$ 721,642.74   | \$ 705,179.86   | \$4,050/mo           |
| Principal Pmts (2046)                          | \$ (14,344.99)  | \$ (15,048.45) | \$ (15,739.79)  | \$ (16,462.88)  | \$ (17,500.00)  |                      |
| Ending Loan Balance - USDA                     | \$ 752,430.98   | \$ 737,382.53  | \$ 721,642.74   | \$ 705,179.86   | \$ 687,679.86   |                      |
| Beginning Loan Balance - FNB (Hackberry Land)  | \$ 82,804.32    | \$ 67,122.79   | \$ 29,845.99    | \$ -            | \$ -            |                      |
| Additional Principal added to loan             | \$ -            | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Principal Pmts (2023)                          | \$ (15,681.53)  | \$ (37,276.80) | \$ (29,845.99)  | \$ -            | \$ -            |                      |
| Ending Loan Balance - FNB                      | \$ 67,122.79    | \$ 29,845.99   | \$ -            | \$ -            | \$ -            |                      |
| Beginning Loan Balance - WSB (Manstedt)        | \$ 37,797.77    | \$ 25,863.03   | \$ 13,620.12    | \$ 1,050.41     | \$ -            |                      |
| Principal Added to Loan                        | \$ -            | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Principal Pmts (2022)                          | \$ (11,934.74)  | \$ (12,242.91) | \$ (12,569.71)  | \$ (1,050.41)   | \$ -            |                      |
| Ending Loan Balance - WSB                      | \$ 25,863.03    | \$ 13,620.12   | \$ 1,050.41     | \$ -            | \$ -            |                      |
| Beginning Loan Balance - WSB - Interim (WSC)   | \$ 486,767.86   | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Principal Added to Loan                        | \$ -            | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Principal Pmts                                 | \$ (486,767.86) | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Ending Loan Balance - WSB - Interim            | \$ -            | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Beginning Loan Balance - USDA - Perm Fin (WSC) | \$ -            | \$ 581,300.00  | \$ 574,998.37   | \$ 568,452.56   | \$ 561,653.10   | Est:<br>\$29,000/yr  |
| Principal Added to Loan                        | \$ 581,300.00   | \$ -           | \$ -            | \$ -            | \$ -            |                      |
| Principal Pmts (2060)                          | \$ -            | \$ (6,301.63)  | \$ (6,545.81)   | \$ (6,799.46)   | \$ (7,062.94)   |                      |
| Ending Loan Balance - USDA - Perm Fin          | \$ 581,300.00   | \$ 574,998.37  | \$ 568,452.56   | \$ 561,653.10   | \$ 554,590.16   |                      |
| Beginning Loan Balance - FBN - Hackberry       | \$ -            | \$ -           | \$ -            | \$ 1,136,801.75 | \$ 1,194,010.54 | Est:<br>\$146,000/yr |
| Principal Added to Loan                        | \$ -            | \$ -           | \$ 1,277,746.24 | \$ 182,503.76   | \$ -            |                      |
| Principal Pmts (2031)                          | \$ -            | \$ -           | \$ (140,944.49) | \$ (125,294.97) | \$ (125,487.08) |                      |
| Ending Loan Balance - USDA - Perm Fin          | \$ -            | \$ -           | \$ 1,136,801.75 | \$ 1,194,010.54 | \$ 1,068,523.46 |                      |

# WAHOO PUBLIC BUILDING GROUNDS - DEPRECIATION SCHEDULE

|   |  | Purchase Price | Useful Life  | 12/31/2021 |         |        |       | 12/31/2022 |              |              |       |              |            |              |
|---|--|----------------|--------------|------------|---------|--------|-------|------------|--------------|--------------|-------|--------------|------------|--------------|
|   |  |                | Yrs          | Added      | Deleted | Annual | Accum | Added      | Deleted      | Annual       | Accum |              |            |              |
| Land  |  |                |              |            |         |        |       |            |              |              |       |              |            |              |
|   | Lots 1-3, 10-12 and the vacated alley, Block 136, County Addition, Wahoo | \$             | 108,424.00   | -          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| 9/1/2009  | Tract of Land in SW1/4 of 4-14-7 (763 N. Hackberry)                      | \$             | 222,306.00   | -          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| 11/23/2009  | Tract of Land in SW1/4 of 4-14-7 (779 N. Hackberry)                      | \$             | 51,727.61    | -          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| 2/2/2010  | Tracts (4) of land in 4-14-7   | \$             | 25,000.00    | -          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| 2/11/2011   | Lots 16 & 17, Wahoo Industries Airpark                                   | \$             | 164,209.56   | -          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| 1/6/2017  | Mandstedt Property   | \$             | 59,500.00    | -          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| 1/18/2018   | Houfel Property (20 acres)   | \$             | 320,000.00   | 0          | \$      | -      | \$    | -          | \$           | -            | \$    | -            |            |              |
| Land Improvements   |  |                |              |            |         |        |       |            |              |              |       |              |            |              |
| 9/6/2006  | Landscaping - Grass  | \$             | 1,650.00     | 20         | \$      | -      | \$    | 82.50      | \$           | 1,265.00     | \$    | -            | 1,347.50   |              |
| 9/19/2006   | 4 outdoor lamp fixtures  | \$             | 2,546.92     | 20         | \$      | -      | \$    | 127.35     | \$           | 1,952.64     | \$    | -            | 2,079.98   |              |
| 10/18/2006  | Landscaping  | \$             | 2,351.35     | 20         | \$      | -      | \$    | 117.57     | \$           | 1,792.90     | \$    | -            | 1,910.47   |              |
| 7/13/2006   | Parking Lot  | \$             | 32,900.00    | 20         | \$      | -      | \$    | 1,645.00   | \$           | 25,497.50    | \$    | -            | 27,142.50  |              |
| Building  |  |                |              |            |         |        |       |            |              |              |       |              |            |              |
| 9/8/2006  | Library Building - 637 North Maple                                       | \$             | 1,235,974.68 | 40         | \$      | -      | \$    | 30,899.37  | \$           | 473,790.29   | \$    | -            | 504,689.66 |              |
| 9/1/2009  | House at 763 N. Hackberry  | \$             | 2,694.00     | 10         | \$      | -      | \$    | -          | \$           | -            | \$    | -            | -          |              |
| 11/23/2009  | House at 779 N. Hackberry  | \$             | 2,134.53     | 10         | \$      | -      | \$    | -          | \$           | (0.00)       | \$    | -            | (0.00)     |              |
| 10/2/2017   | Service Center - 331 West A  | \$             | 435,522.86   | 20         | \$      | -      | \$    | 21,776.14  | \$           | 92,548.61    | \$    | -            | 114,324.75 |              |
| Const in Prog   | Hackberry Ball Field - Fields 5 & 6 (Sub Complete 4/15/22)               | \$             | 1,460,250.00 | 20         | \$      | -      | \$    | -          | \$           | -            | \$    | 1,460,250.00 | 51,717.19  |              |
| Furniture & Fixtures  |  |                |              |            |         |        |       |            |              |              |       |              |            |              |
| 8/15/2006   | Shelving   | \$             | 30,000.00    | 10         | \$      | -      | \$    | -          | \$           | 30,000.00    | \$    | -            | 30,000.00  |              |
| 10/30/2017  | Scissor Lift & Compressor for 331 West A                                 | \$             | 10,000.00    | 5          | \$      | -      | \$    | 2,000.00   | \$           | 8,333.33     | \$    | -            | 10,000.00  |              |
| 11/29/2017  | Signage - 331 West A   | \$             | 4,750.00     | 7          | \$      | -      | \$    | 678.57     | \$           | 2,770.83     | \$    | -            | 3,449.40   |              |
| 12/4/2017   | Automotive Lift for 331 West A   | \$             | 41,495.00    | 10         | \$      | -      | \$    | 4,149.50   | \$           | 16,943.79    | \$    | -            | 21,093.29  |              |
| 2/19/2020   | Peremeter Fencing - 331 West A   | \$             | 19,232.00    | 10         | \$      | -      | \$    | 1,923.20   | \$           | 3,525.87     | \$    | -            | 5,449.07   |              |
| Disposal of property that was previously listed as restricted       |  |                |              |            |         |        |       |            |              |              |       |              |            |              |
| TOTAL   |  | \$             | 4,232,668.51 |            | \$      | -      | \$    | 63,399.19  | \$           | 658,420.76   | \$    | 1,460,250.00 | 114,783.05 | 773,203.81   |
| Total Value - with depreciation                                     |  |                |              |            |         |        |       |            | \$           | 1,625,048.60 |       |              |            | 2,970,515.55 |
| Fixed Assets - Total Purchase Price                                 |  |                |              |            |         |        |       | \$         | 2,772,418.51 |              |       |              |            | 4,232,668.51 |
| Previously diposed property   |  |                |              |            |         |        |       | \$         | (4,739.59)   |              |       |              |            | (4,739.59)   |
| Disposal of Property  |  |                |              |            |         |        |       | \$         | (164,209.56) |              |       |              |            | (164,209.56) |
| Restricted Asset (All proceeds of a sale would go to City of Wahoo) |  |                |              |            |         |        |       | \$         | (320,000.00) |              |       |              |            | (320,000.00) |
| Accumulated Depreciation  |  |                |              |            |         |        |       | \$         | (658,420.76) |              |       |              |            | (773,203.81) |
| Total Value - with depreciation                                     |  |                |              |            |         |        |       | \$         | 1,625,048.60 |              |       |              |            | 2,970,515.55 |
| Construction in Progress  |  |                |              |            |         |        |       | \$         | 1,277,746.24 |              |       |              |            | -            |

# Wheel Loader

January 20, 2023

TO: Mayor & Council

FROM: Melissa Harrell, City Administrator

RE: Replacement Wheel Loader

On the agenda for Council's consideration is the purchase of a Wheel Loader to provide a replacement for the one totaled in the collision with the UPRR Train.

The City of Wahoo filed a claim with LARM for the damage to this machine and after review by Murphy Tractor and an adjuster, a decision was made to total the equipment. The City of Wahoo received a check from LARM for the full insured value of the machine of \$90,000 less our \$1,000 deductible.

The totaled machine was a John Deere 2016 544K-II Wheel Loader that had 6,500 hours. As part of our coverage with LARM, during the period of time it took to evaluate the machine, LARM provided a rental machine that cost \$6,500 per month X 2 months.

Joe Wynn, Street Supt, has been looking at options for replacement of this equipment as it is an essential piece of equipment needed for the snow blower and for management of the tree and grass recycling piles at the former landfill location. We continue to explore options and look for the best deal, but would ask for the Council's approval to purchase a piece of equipment using the insurance proceeds from the loss, plus up to an additional \$67,500. This additional amount would be funded with revenue from the solid waste occupation tax in the solid waste fund. The current cash balance in this fund is \$170,000. In our budget there was the purchase of equipment for \$75,000 for a front-end loader. This is not that machine, but that purchase could potentially be delayed until next fiscal year, or if absolutely necessary a budget amendment could be considered.

We are currently specifically looking at a used machine that we are currently renting from Murphy Tractor until a replacement machine is purchased. It is a 2018 John Deere 544K-II Wheel Loader with 3,374 hours. The asking price is \$177,500 and the dealership is willing to provide a credit of \$20,000 (equal to 3 months rent @ \$6,500/month plus credit for \$500 delivery fee), provide a current service on the machine and make sure all parts of the machine are in good working order, and provide an extended warranty for the powertrain and hydraulics until 12/19/2024. We believe we may be able to negotiate further discounts.

We are asking for an authorization not to exceed an additional investment of \$67,500. We will work to negotiate the best deal and will continue to investigate other purchase options. When a contract can be secured, we ask that you give me the authority to proceed with the purchase.

# Special Designated Liquor License



**Special Designated License  
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

Knights of Columbus Council 1833

Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)

114 Arbor Lane Wahoo, NE 68066

Retail Liquor License Address or Non-Profit Business Address

470483786

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): 2/17/2023

Event Start Time(s): 4 PM

Event End Time(s): 10 PM

Alternate Date: N/A

Alternate Location Building & Address:

Event Building Name: St. Wenceslaus Catholic Church Basement

Event Street Address/City: 221 E 2nd Street. Wahoo, NE 68066

Indoor area to be licensed in length & width: 100 X 40

Outdoor area to be licensed in length & width: \_\_\_\_ X \_\_\_\_ (Diagram Form #109 must be attached)

Type of Event: Fundraiser Estimate # of attendees: 100

Type of alcohol to be served: Beer ☒ Wine ☒ Distilled Spirits \_\_\_\_  
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Ryan Mascarello Event Contact Phone Number: 402-203-0208

Event Contact Email: rmascarello@proton.me

\*Signature Authorized Representative: [Signature] Printed Name Ryan Mascarello

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

\*Retail licensee – Must be signed by a member listed on permanent license

\*Non-Profit Organization – Must be signed by a Corporate Officer

**Local Governing Body completes below:**

The local governing body for the City/Village of \_\_\_\_\_ **OR** County of \_\_\_\_\_ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

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114 Arbor Lane Wahoo, NE 68066

Retail Liquor License Address or Non-Profit Business Address

470483786

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

2/24/2023

Event Start Time(s):

4 PM

Event End Time(s):

10 PM

Alternate Date:

N/A

Alternate Location Building & Address:

Event Building Name: St. Wenceslaus Catholic Church Basement

Event Street Address/City: 221 E 2nd Street. Wahoo, NE 68066

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Outdoor area to be licensed in length & width: \_\_\_\_ X \_\_\_\_ (Diagram Form #109 must be attached)

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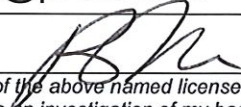
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Printed Name

Ryan Mascarello

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470483786

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

3/3/2023

Event Start Time(s):

4 PM

Event End Time(s):

10 PM

Alternate Date:

N/A

Alternate Location Building & Address:

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Consecutive Dates only

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Event Start Time(s): 4 PM

Event End Time(s): 10 PM

Alternate Date: N/A

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\_\_\_\_\_  
Date



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\*Non-Profit Organization – Must be signed by a Corporate Officer

**Local Governing Body completes below:**

The local governing body for the City/Village of \_\_\_\_\_ **OR** County of \_\_\_\_\_ approves  
the issuance of a Special Designated License as requested above. (Only one should be written above)

\_\_\_\_\_  
Local Governing Body Authorized Signature

\_\_\_\_\_  
Date

# Ordinance

## No. 2416



ORDINANCE NO.2416

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE XI: ADMINISTRATION OF THE WAHOO MUNICIPAL CODE BY THE AMENDMENT OF CHAPTER 110: BUSINESS LICENSING, SECTION 100.31; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL, IN PAMPHLET FORM, IN THE CITY OF WAHOO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF WAHOO MUNICIPAL CODE, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, on January 24, 2002, the Mayor and Council of the City of Wahoo, Nebraska, did adopt the Wahoo Municipal Code, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem it in the best interests of the citizens of the City of Wahoo, Nebraska, that the Wahoo Municipal Code be amended to provide changes to Business Regulations specifically relating to Professional Licenses,

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

1. That the findings hereinabove should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

2. That Chapter 100, BUSINESS LICENSING, PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS, SECTION § 110.31 Prohibited Soliciting, of the Wahoo Municipal Code, shall be amended to provide changes, which shall read as follows:

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting **between the hours of 8:00pm and 8:00am or** in defiance of the notice exhibited at the residence in accordance with the provisions of § 110.29 above.

3. That the Mayor and the appropriate Department, whether one or more of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Ordinance.

4. That should any section, paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of Mayor and Council of the City of Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

5. That all ordinances or parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict herewith, are hereby repealed.

6. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval in pamphlet form within the City of Wahoo, Nebraska, and shall be effective on the fifteenth (15<sup>th</sup>) day from and after its passage and approval as provided by law.

7. That the provisions of this Ordinance shall become and be made a part of the Wahoo Municipal Code and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

CITY OF WAHOO, NEBRASKA

By: \_\_\_\_\_  
Gerald D. Johnson, Its Mayor

ATTEST:

\_\_\_\_\_  
Christina Fasel, Its Clerk  
(SEAL)