

WAHOO CITY COUNCIL AGENDA

Tuesday February 28, 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

Parks and Recreation Director

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 Feb 14th meeting of the City Council
3. Approval of amendment to the City of Wahoo Personnel Manual policy on compensatory time
4. Approval of Mayors Appointment of Jayson Iversen to the Planning Commission

Public hearing and associated action items

1. Approval of request for Liquor License for JC Steakhouse filed by Jesus Zaragoza

Old business

Tabled business

Action items not requiring a public hearing

1. Agreement with JEO Investments to provide for the reimbursement of the costs to complete a traffic impact study for an area located east of Hwy 77/92 from 15th Street south
2. Agreement between the City of Wahoo and FHU to complete a traffic impact study for an area located east of Hwy 77/92 from 15th Street south
3. Motion to authorize city staff to draft an ordinance to allow for UTV/ATV/Golf carts within city limits.
4. Approval of a Special Designated Liquor License for Karen's Spirits for 3/31/23
5. Approval of Ordinance No 2417 renewal of a conditional use permit for Titles
6. Approval of Ordinance No 2418 renewal of a conditional use permit for Reisen Dance
7. Approval of Municipal Code Changes due to changes in law during the 2022 Legislative session (each will require their own introduction.)
 - a. Ordinance No 2419 – Proposed Budget Statement; Contents; Availability; Correction
 - b. Ordinance No 2420 – Proposed Budget Statement; Hearing; Adoption; Certification of Tax Amount
 - c. Ordinance No 2421 – Adopted Budget Statement; Filing; Certification of Amount of Tax
 - d. Ordinance No 2422 – Property Tax Request; Increase by More than Allowable Growth Percentage; Procedure for Setting
 - e. Ordinance No 2423 – Property Tax Levy; Maximum; Authority to Exceed
 - f. Ordinance No 2424 – Minutes
 - g. Ordinance No 2425 – Special Elections
 - h. Ordinance No 2426 – Recall Procedure
 - i. Ordinance No 2427 – Sale and Conveyance; Real Property

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. March 14, 2023 (agenda deadline = 5:00pm March 9, 2023)
2. March 28, 2023 (agenda deadline = 5:00pm March 23, 2023)
3. April 11, 2023 (agenda deadline = 5:00pm April 6, 2023)

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, Patrick Nagel, Ryan Ideus and Carl Warford. Council Members absent: none.

City Administrator Harrell reported that the street department wants to purchase an asphalt roller to allow for more extensive road repairs. She also reported that SENDD is looking for communities to participate in a rural workforce housing collaborative grant program.

Mayor Johnson and City Administrator Harrell reported on a breakdown in communication between the City of Wahoo and the Wahoo Rural Fire Board. There is a stipulation in the existing agreement that allows for a joint subcommittee of elected officials and Rural Fire Board members to help address communications issues. Mayor Johnson appointed Carl Warford and Chris Rappl to the joint subcommittee.

Council Member Warford motioned, and Council Member Krejci seconded to approve the consent agenda which includes Approval of Minutes from the January 24, 2023, City Council Meeting, Acceptance of January Planning Commission Minutes, Acceptance of February Planning Commission Minutes, Acceptance of the January Library Board Minutes, Approval of Bryant Bartek and Josh Nuckolls as volunteer fire fighters. Roll call vote: Warford, yes; Krejci, yes; Ideus, yes; Sweet, yes; Rappl, yes; and Nagle, yes. Motion carried.

City Administrator Harrell reported on state statutes, current Wahoo regulations and examples of how other communities regulate ATV, UTV, and golf carts using city streets in their communities. Many Council Members expressed interest in taking the next step in allowing these vehicles to be operated as vehicles on city streets. City Administrator Harrell advised that it would be added to the action items for the next meeting so the Council could authorize staff to draft an ordinance. This will also allow city staff to express their opinions on the topic as well.

Council Member Krejci motioned, and Council Member Nagel seconded to approve Change order No. 18 in the amount of \$0.00 to M.E. Collins adding a three-year maintenance bond to the contract for the Chestnut Street Improvement Project, Group G for the North Chestnut Street Lights. Roll call vote: Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; and Rappl, yes. Motion carried.

Council Member Krejci motioned, and Council Member Ideus seconded to approve the final pay application for the Chestnut Street Improvement Project in the amount of \$120,828.93 to M. E. Collins. Roll call vote: Krejci, yes; Ideus, yes; Sweet, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Ideus motioned, and Council Member Krejci seconded to accept the Chestnut Street Improvement Projects completion and authorize the Mayor to sign the certificate of substantial

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

Council Member Warford motioned, and Council Member Rappl seconded to approve the Mayor and City Administrator to sign amendment to City of Wahoo Retirement Plan documents providing for a change in eligibility for participation from age 21 to age 19. Roll call vote: Warford, yes; Rappl, yes; Krejci, yes; Nagle, yes; Ideus, yes; and Sweet, yes. Motion carried.

Council Member Warford motioned, and Council Member Sweet seconded to approve a satellite location for 4 Sons Keno to operate at Titles Lounge and Sports Bar, 128 W 5th Street Wahoo. Roll call vote: Warford, yes; Sweet, yes; Krejci, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Krejci moved to approve the second reading of Ordinance No. 2417 Entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: Block 4 Original Town Wahoo & the N ½ vacated 4th street, better known as 433 North Chestnut, Wahoo, Nebraska BY ALLOWING the removal of an existing 60' lattice communications tower and construction of a new 120' monopole tower in the same location, AS PROVIDED IN WAHOO ZONING REGULATIONS SECTION 7.11 and that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the third reading of Ordinance No. 2417 might be waived. Council Member Nagel seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll, and the following was the vote on the motion to suspend the rules: roll call vote, Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; and Rappl, yes. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2417 may be moved for final passage in the same meeting.

Council Member Krejci moved to approve Ordinance No. 2417, entitled a conditional use permit for Saunders County to construct a radio tower at 433 North Chestnut Street. Council Member Nagel seconded. Roll call vote: Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; and Rappl, yes.

Council Member Krejci motioned, and Council Member Nagel seconded to approve the final reading of Ordinance No. 2417. Roll call vote: Warford, yes; Sweet, yes; Krejci, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Warford motioned, and Council Member Rappl seconded to approve Resolution No. 2023-02 declaring city property as surplus.

RESOLUTION NO. 2023-02

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

See Exhibit "A"

and,

WHEREAS, the City of Wahoo, Nebraska, does not have a present need to retain ownership of said above described personal property, and,

WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,

WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is less than \$8,000.00, as stated in the attached Exhibit "A."

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

1. That the above described personal property be sold by either sealed bid and/or public sale on a date, time, as advertised in a Notice of Sale of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the sale of said items, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,

2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required.

3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold "as is" without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer's possession of said items of personal property.

4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item.

Exhibit "A"

To Resolution No. 2023-02

Vehicles/Equipment to be declared as surplus:

Year	Make	Model	VIN	Estimated Value
1982	Ford	Digger Derrick	1FDPF82HXCVA05837	\$2000.00
1999	Dodge	1500 Van	2B7HB11Y6XK534233	\$250.00

Other Items to be declared as surplus:

Description	Department	Estimated Value
Computer Desk	Library	\$200.00
Projector	Library	\$500.00

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

Council Member Nagel motioned, and Council Member Rappl seconded to adjourn at 8:02pm. Roll call vote: Nagle, yes; Rappl, yes, Ideus, yes; Krejci, yes; Warford, yes; and Sweet, yes. Motion carried.


The next meeting is February 28, 2023, at 7:00pm.

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor

February 22, 2023

TO: Mayor & Council

FROM: Melissa Harrell, City Administrator 

RE: City of Wahoo Personnel Manual – policy on compensatory time

The City has a section of our personnel manual that address compensatory time. Commonly called comp time, this is the time an employee can receive in lieu of receiving overtime pay. So if an employee works one hour of overtime, they could earn one and one-half hours of time off.

Payment of overtime is regulated by the Fair Labor Standards Act. Private employers cannot offer compensatory time but public employers can as we work under budgetary constraints and may not always be able to afford to pay out overtime. In return, an employee is given an equal amount of time off. FLSA talks to how this time off is calculated, the limits of accumulation, and how it is to be used.

As the FLSA was written to be a protection for employees, it is fair to state that we are under no obligation to provide comp time to employees so long as we are paying them overtime as required under the act. Our current practice allows an employee to convert any overtime hours they do not want to be paid for to compensatory time that must be used in the following week. This is no longer a feasible option due to overuse and difficulties in calculation and tracking. Therefore, Ryan and I worked with the City Attorney to draft changes to our current comp time policy. Essentially, if this policy is adopted, there would be no accumulation of comp time unless an employee is in their first year of employment, or if the Utility General Manager or City Administrator explicitly allowed it for in two specific situations. The one exception for public safety, emergency response, or seasonal operations (such as snow removal), is self-explanatory. The other exception would only be used in situations where an employee is out of all paid leave, has an exceptional situation such as a sick family member, etc., and it is not disruptive to our operations.

If approved, we would begin implementation of this policy immediately, and any unused accumulated comp time would be paid out to the employee on their March 17, 2023 pay check. This would be the pay period of February 26 to March 11, 2023.

In lieu of cash overtime payment, employees may be granted compensatory time off as described below. The ~~choice decision~~ between receiving cash or compensatory time shall be at the sole discretion of the employee Appointed Official, ~~subject to the limitations set forth below~~. Compensatory time shall be earned at the rate of one and one-half (1 1/2) times the number of hours worked in excess of forty (40) hours per week. ~~Compensatory time off shall be taken at the discretion of the Appointed Official or department head. All efforts shall be made to grant requests for compensatory time off unless said request unduly disrupts the operations of the department.~~

An employee who is in ~~his or her~~ their first twelve (12) months of employment with the City is eligible to accumulate up to a maximum of forty (40) hours of compensatory time. On the employee's first anniversary date, the City will pay out any unused compensatory time in excess of twenty (20) hours. The remaining compensatory time must be used within sixty (60) days of the employee's first anniversary date or it will be paid out to the employee on the next scheduled pay day.

~~All~~ employees who have completed ~~at least~~ twelve (12) or more months of employment with the City may only receive ~~are not eligible to accumulate up to a maximum of twenty (20) hours of~~ compensatory time if approved, in writing, by either the Utility General Manager or the City Administrator in their sole discretion. Reasons the ~~except in the following described situations. The~~ Utility General Manager or City Administrator may choose to grant compensatory time include, but are not limited to: make an exception provided 1) the employee has an unusual situation and has exhausted all accumulated leave options, or 2) when public safety, emergency response, or seasonal activities require unusual amounts of overtime of employees. If compensatory time is granted to an employee under this provision it must be used in both exceptions accumulated compensatory time must be used within sixty (60) days or it shall be paid out to the employee on the next scheduled pay day. ~~Compensatory time must be utilized within the pay period immediately following the pay period which it was earned. Any compensatory time that is not used within this time frame will be paid out to the employee on the next scheduled pay day.~~

Because compensatory time is earned at the rate of one and one-half (1 1/2) times the number of hours worked in excess of forty (40) hours per week, payouts of unused compensatory time will be made at the employee's regular rate of pay in effect at the time the employee receives payment. Provided, however, that should employment terminate before use the employee shall be entitled to the higher of the average regular rate received by such employee during the last three (3) years of employment or the final regular rate received by such employee.

Use of compensatory time off may be taken only when approved, in writing, by either the Appointed Official or department head in their reasonable discretion in order to avoid unduly disrupting the City's operations.



CITY CLERK

This job description is intended to present a descriptive list of the range of duties performed by employee(s) in this municipality and is not intended to reflect all duties performed within the job.

SUPERVISOR: City Administrator

SUPERVISE:

SUMMARY DESCRIPTION

Serves as the assistant to the City Administrator in municipal office functions. Work involves carrying out all functions of the office and is responsible for the record keeping, bookkeeping and other financial/public administration tasks to ensure the efficient operation of the city government.

EXAMPLES OF WORK PERFORMED

ESSENTIAL FUNCTIONS: *The following examples of work are illustrative only and are not intended to be all inclusive.*

Prepares and advertises various meeting agendas, bids, legal notices and publications for the City Council and Airport Authority. Assists in the preparation and advertisement of meeting agendas and other pertinent data for the Planning Commission and Board of Adjustments meetings as needed.

Attends various meetings including but not limited to City Council and Airport Authority meetings; takes minutes, maintains a journal of the proceedings, publishes accurate records of the proceedings, indexes all actions taken and distributes information as needed.

Serves as a custodian of all official city records and public documents by accurately filing city documents and correspondence; Maintain complex file and catalog system accurately by filing city records and documents in accordance with state requirements.

Receives and responds to all public records requests in compliance with state requirements.

Assist with completion of grant applications; maintain all grant records in compliance with applicable state, federal or agency requirements.

Maintains the city ordinance book and codification and distribution of city ordinances; maintains and distributes amendments to Zoning Regulations, Subdivision Regulations, and Comprehensive Plan.

Supervises the issuance of various licensures and permits including tobacco, fireworks, pet and occupational trade, etc.; issues occupation tax receipts authorized by law and city ordinance. Assists in the collection of occupation taxes and issuance of various permits and licenses to the general public.

Assists with various city accounting and bookkeeping functions, including accounts payable, excluding the utility department finances;

Oversees maintenance of cemetery records as well as records maintained in cemetery database for use at the city owned cemetery with the Cemetery Sexton and Cemetery Supervisor.

Responds to and assists in the resolution of difficult and sensitive citizen inquiries and complaints.

~~Processes Worker's Compensation claims and assists employees in filing insurance claims, as needed; assists in serving as a liaison with insurance providers.~~

~~Maintains records for Wahoo Safety Committee and assists employee members in agendas, minutes, and supporting documents for the Safety Committee.~~

~~Prepares monthly employee newsletter to be distributed to employees.~~

Assists the utility department in various administrative activities including but not limited to processing utility bills, receiving payments, etc., as needed.

Greets individuals in person or by phone and provides information or directs them to the appropriate source for assistance and/or provides information as appropriate.

Performs a variety of clerical duties such as typing and photocopying, preparing various documents and reports, distributing city mail, receiving and processing a variety of payments from the public.

Responsible for ensuring that various office equipment is in proper working order and schedule maintenance or repair as needed.

Establishes and maintains positive public relations with the general public, other employees, community groups, other governmental agencies and municipal officials.

Performs related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Principles of efficient records management systems.
- Business letter writing; basic principles and practices of administrative research and report preparation.
- Principles and procedures of record keeping.
- English usage, spelling, grammar and punctuation.
- Basic mathematical principles.
- Pertinent federal, state and local laws, codes and regulations.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Methods and techniques of effective customer service.
- Community resources and agencies available to the general public.

Ability to:

- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Perform responsible and difficult work involving the use of independent judgment and personal initiative.

- Utilize a variety of computer programs and software pertaining to the business of the city.
- Independently prepare, compile, analyze, interpret and prepare a variety of administrative reports, correspondence and memorandums.
- Use independent judgement and personal initiative.
- Plan and organize a personal work schedule, set priorities and meet deadlines.
- Enter data at a speed necessary for successful job performance.
- Perform duties with thoroughness, accuracy and attention to detail.
- Work with frequent interruptions and a high degree of public contact by phone or in person.
- Interpret and apply federal, state and local policies, laws and regulations.
- Deal constructively with conflict.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Work is performed primarily in a standard office environment with some travel to different sites; may work extended hours including evenings and weekends, and may be required to travel outside City boundaries to attend meetings.

Physical: Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; to travel to other locations using various modes of private and commercial transportation; verbally communicate to exchange information.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would likely provide the required knowledge and ability is qualifying. A typical way to obtain the knowledge and abilities would be:

Education/Training: Two-year degree with a major in accounting, business administration, public administration, or related field or any equivalent combination of training and experience that provides the required skills, knowledge and abilities. Two years of responsible office experience or closely related work, with a minimum of one year experience in municipal government preferred. Must be able to acquire State notary status.

Regular Full-Time Grade [CTCC](#) ↓

[February 2023](#) ~~[March 2021](#)~~



CITY TREASURER – HUMAN RESOURCES COORDINATOR

This job description is intended to present a descriptive list of the range of duties performed by employee(s) in this municipality and is not intended to reflect all duties performed within the job.

SUPERVISOR: City Administrator

SUPERVISE:

SUMMARY DESCRIPTION

Serves as the assistant to the City Administrator in municipal financial matters. Work involves carrying out all functions of the office and is responsible for the record keeping, bookkeeping and other financial/public administration tasks to ensure the efficient operation of the city government.

EXAMPLES OF WORK PERFORMED

ESSENTIAL FUNCTIONS: *The following examples of work are illustrative only and are not intended to be all inclusive.*

Prepares, verifies and balances city and utility payroll and related financial records and submits for review by the City Administrator. Ensures accuracy and maintains leave balances.

Prepares and submits all required reports and payments associated with city and utility payroll to the IRS and State of Nebraska Department of Revenue, in compliance with Federal and State employment laws, including but not limited to any weekly, bi-weekly, monthly, quarterly, semi-annual and annual required reports.

Creates, updates and maintains employee personnel files for all employees. Ensures all appropriate documentation is obtained and maintained including employment application and all personnel and benefit forms necessary. Prepares material and assists with the orientation of new hires including the selection of offered benefits.

Monitors the distribution of performance evaluation forms for all employees; maintains and distributes forms to supervisors, as needed.

Maintains and distributes required information regarding employee benefit programs, life insurance, health insurance, workers' compensation, COBRA, and flex benefits plan; forwards related information to all employees, supervisors and associated agency representatives; notifies providers in deleting coverage for employees separating from the city.

Coordinates job postings and recruitment of applicants for employment opportunities with the City and Utilities.; assists in hiring process to ensure compliance with all necessary regulations.

Assists in the maintenance of retirement fund records and correspondence, as well as monitors benefit plans for accuracy on employee information and changes. Monitors insurance billings for accuracy.

Evaluates the city's health insurance programs; ensures the adequacy and cost effectiveness of the coverage provided, coordinates the bidding process and makes recommendations as needed.

Maintains accurate records of job descriptions, accurate copy of the personnel policy manual, and prepares and distributes amendments to employees and City Council members as needed.

Prepares all documents needed for drug and alcohol testing of employees as required to comply with state and federal regulations; organizes all testing; maintains accurate records of all testing and reporting; prepares and distributes policies and amendments to policy to employees as needed.

Prepares salary, benefit and other related information to City Administrator and Utility General Manager as well as information for the Employee Negotiating Committee for annual employee negotiations; completes salary survey information as requested

Performs various city accounting and bookkeeping functions, including accounts payable, excluding the utility department finances; assists in balancing and maintenance of all city funds, reconciling accounts and preparing monthly financial reports of receipts and disbursements.

~~Completes monthly City sales tax return for City and Utility Departments.~~

~~Assists in the preparation of the annual operating budget for the city through coordination and cooperation with department heads.~~

Processes Worker's Compensation claims and assists employees in filing insurance claims, as needed; assists in serving as a liaison with insurance providers.

Maintains records for Wahoo Safety Committee and assists employee members in agendas, minutes, and supporting documents for the Safety Committee.

Assists the utility department in various administrative activities including but not limited to processing utility bills, receiving payments, etc., as needed.

Greets individuals in person or by phone and provides information or directs them to the appropriate source for assistance and/or provides information as appropriate.

Performs a variety of clerical duties such as typing and photocopying, preparing various documents and reports, distributing city mail, receiving and processing a variety of payments from the public.

Responsible for ensuring that various office equipment is in proper working order and schedule maintenance or repair as needed.

Establishes and maintains positive public relations with the general public, other employees, community groups, other governmental agencies and municipal officials.

Performs related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- General payroll processes and systems.

- General personnel policies and procedures.
- Business letter writing; basic principles and practices of administrative research and report preparation.
- Principles and procedures of record keeping and financial reporting.
- English usage, spelling, grammar and punctuation.
- Basic mathematical principles.
- Pertinent federal, state and local laws, codes and regulations.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Methods and techniques of effective customer service.
- Community resources and agencies available to the general public.

Ability to:

- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Prepare, analyze and maintain financial information, records and reports.
- Perform responsible and difficult work involving the use of independent judgment and personal initiative.
- Apply general principles of payroll functions, accounts payable and budgeting.
- Utilize a variety of computer programs and software pertaining to the business of the city.
- Independently prepare, compile, analyze, interpret and prepare a variety of administrative reports, correspondence and memorandums.
- Use independent judgement and personal initiative.
- Plan and organize a personal work schedule, set priorities and meet deadlines.
- Enter data at a speed necessary for successful job performance.
- Perform duties with thoroughness, accuracy and attention to detail.
- Work with frequent interruptions and a high degree of public contact by phone or in person.
- Interpret and apply federal, state and local policies, laws and regulations.
- Deal constructively with conflict.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Work is performed primarily in a standard office environment with some travel to different sites; may work extended hours including evenings and weekends, and may be required to travel outside City boundaries to attend meetings.

Physical: Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; to travel to other locations using various modes of private and commercial transportation; verbally communicate to exchange information.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would likely provide the required knowledge and ability is qualifying. A typical way to obtain the knowledge and abilities would be:

Education/Training: Two-year degree with a major in accounting, finance, business administration, public administration, or related field or any equivalent combination of training and experience that provides the required skills, knowledge and abilities. Three years of responsible office experience or closely related work, with two years of experience in finance and payroll preferred.

Regular Full-Time Grade [CTHR](#)~~K~~

~~March 2024~~[February 2023](#)

Public Hearing

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)

CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31

ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30

☐ A BEER, ON SALE ONLY

☐ B BEER, OFF SALE ONLY**

☐ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE**

Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES ☐ NO ☐

☐ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY**

☐ F BOTTLE CLUB,

☒ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY

Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES ☒ NO ☐

☐ J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120

☐ AB BEER, ON AND OFF SALE

☐ AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE

☐ IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

☐ Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license

☐ Class G Growler endorsement (Submit Form 165) – Class C licenses only

**Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES ☐ NO ☐

**ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE
LICENSE IS ISSUED**

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

☐ Individual License (requires insert FORM 104)

☐ Partnership License (requires insert FORM 105)

☐ Corporate License (requires FORM 101 & FORM 103)

☒ Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Name Maureen Freeman-Caddy Phone Number 402-443-3225

Firm Name Bromm, Lindahl, Freeman-Caddy & Lausterer

Email address maureen@wahoolaw.com

Should we contact you with any questions on the application? YES ☒ NO ☐

PREMISES INFORMATIONTrade Name (doing business as) JC's SteakhouseStreet Address 127 E 6th StreetCity Wahoo County Saunders Zip Code 68066

Premises Telephone number _____

Business e-mail address jesuszaragoza027@gmail.comIs this location inside the city/village corporate limits YES X NO _____**MAILING ADDRESS (where you want to receive mail from the Commission)**

Check if same as premises _____

Name JC's Steakhouse, LLC c/o Jesus ZaragozaStreet Address 1315 Shalene CircleCity Wahoo State Nebraska Zip Code 68066**DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED**

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM OF THE AREA TO BE LICENSED

DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS

PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)

INDICATE THE DIRECTION OF NORTH

Building length 103 x width 62 in feetIs there a basement? Yes _____ No X If yes, length _____ x width _____ in feetIs there an outdoor area? Yes _____ No X If yes, length _____ x width _____ in feet+

*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing

Number of floors of the building 1**PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET**

JEO

Reimbursement Agreement

Date: February 24, 2023

TO: Mayor and Council

FROM: Melissa Harrell, City Administrator

Attached is a proposal from FHU engineering firm to complete a traffic impact study for the area of West 15th and Hwy 77/92 Expressway. This study will not only consider the intersection of West 15th and the Expressway, but will also look at West 15th and Dry Run Drive, and will look at the possibility of an additional access point off the Expressway at approximately 8th Street.

Several weeks ago I was approached by JEO Investments, who is the owner of the property directly south of Casey's, west of Dry Run Creek, and east of the Expressway, about plans for the development of their property. In order to be sure their design for a potential development is done correctly, the traffic patterns of that area need to be evaluated. In addition, future potential developments in the area need to be considered to ensure proper design of streets and intersections.



The scope of work to be done by FHU addresses these issues. Historically, FHU has done several traffic impact studies for the City including all work for the Chestnut Street Project. FHU is also very familiar with standards required by NDOT for any such studies. This study will be compliant with NDOT's requirements. JEO Investments do have the resources to complete a study like this with the staff of JEO Consulting Group, but we agreed it is cleaner if this work is scoped and contracted by the City, and the report produced is done for the City of Wahoo.

JEO Investments is in agreement that the cost of this study should be carried by them, and thus I am having a reimbursement agreement prepared that will require reimbursement of 100% of the cost of this traffic impact study to be made to the City within 30 days following the presentation of the final report. This agreement is

not in the packet but will be available at the meeting for consideration.

Please let me know if you have any questions.

Traffic Study



February 23, 2023

Ms. Melissa M. Harrell
City Administrator / Treasurer
City of Wahoo
605 North Broadway Street
Wahoo, NE 68066

Reference: Highway 77 Development Traffic Analysis Proposal

Dear Ms. Harrell:

This proposal describes the scope of services necessary to complete a traffic impact study associated with the proposed JEO Investments development located on the west side of Wahoo, NE. The site sits on the east side of US Highway 77 (US-77)/Nebraska Highway 92 (N-92) and to the south of W. 15th Street. The information used to prepare this proposal is based on the site layout for the proposed development provided to FHU, information from JEO Investments, and a scoping meeting held on February 14, 2023 with the City of Wahoo and JEO.

The development is anticipated to be completed in phases, with Phase I completed by 2026 and full buildout of the mixed use development assumed to be completed by 2029. Access for Phase I will be provided at one location onto W. 15th Street via Dry Run Drive. With Phase 2, a second access will be provided onto US-77/N-92 via Dry Run Drive. In order to address the traffic operations at the existing and proposed intersections/site access locations, the primary focus of this analysis will include the evaluation of the following locations:

- US-77/N-92 with W. 15th Street
- US-77/N-92 with Dry Run Drive (proposed access)
- W. 15th Street with Dry Run Drive

The study will evaluate the following time periods:

- Existing (2023) AM and PM peak hours.
- Phase I (2026) AM and PM peak hours with access to W. 15th Street.
- Full-Buildout (2029) of the development for AM and PM peak hours with access to W. 15th Street and US-77/N-92.
- Future (2039) of the development for AM and PM peak hours with access to W. 15th Street and US-77/N-92.

Scope of Services

Task I – Data Compilation

Recent turning movement counts completed by JEO Investments were reviewed. The counts were completed on Wednesday, July 6, 2022. Wahoo Elementary School and Wahoo High School were not in session during these counts. FHU will recount the intersections of W. 15th Street with US-77/N-92 and Dry Run Drive while school is in session. One 13-hour and one 8-hour turning movement count will be completed at US-77/N-92 and Dry Run Drive, respectively.

Information from the City of Wahoo on surrounding developments will be utilized. This includes:

- Residential development (88 units) by KM

Task 2 – Trip Generation & Assignment

The Institute of Transportation Engineers' (ITE) Trip Generation, Eleventh Edition, 2022 will be utilized to develop trip generation estimates for the proposed land uses. The trip assignment will be based on existing, local travel patterns. Preliminary plats and information provided by the City and/ JEO Investments will be utilized to develop site trips. Pass-by trips and internal trip reductions may be considered.

Task 3 – Traffic Forecasting

This TIA will need to take into account the future land uses along US-77/N-92. Historic ADT volumes from NDOT will be utilized to develop a background growth rate. A straight-line comparison will be used to project interim years background traffic volumes.

Procedures documented in the Transportation Research Board's publication NCHRP 765 will be used to forecast traffic volumes for AM and PM peak hours at the study intersection.

Assumptions

- Trip generation estimates from surrounding developments and traffic studies will be utilized to develop background traffic volumes.

Task 4 – Operations & Safety Analysis

FHU will assess the level of congestion, measured by level of service (LOS), experienced at the study area intersections under Existing (2023), Phase I (2026), Full-Buildout (2029), and Future (2039) traffic conditions. The study will include the following:

- The study intersections will be analyzed to determine the proper traffic control and lane configuration.
- Turn lane storage lengths and queuing analysis will be completed for the study intersections.
- Auxiliary turn lane analyses will be completed for the study intersections.
- MUTCD traffic signal warrants will be reviewed at the intersection of US-77/N-92 with W. 15th Street.
- A roundabout will be analyzed at the intersection of US-77/N-92 with W. 15th Street.
- A crash analysis will be completed for the intersection of US-77/N-92 with W. 15th Street utilizing the more recent 5-years of crash data.

Assumptions

- NDOT to provide crash data.

Task 5 – Report & Graphics

A draft memo will be prepared to summarize the results of this traffic analysis and will include graphical illustrations of the study area and analysis. FHU will identify traffic operational or roadway deficiencies in the study area and will develop recommendations for improvements.

Task 6 – Meeting & Project Management

FHU will attend one progress meeting with officials representing the City of Wahoo and JEO Investments. This meeting may occur virtually. FHU will present the results of the study at two additional meetings, a Planning Commission Meeting and a City Council Meeting.

Additional meetings or presentations are not included in this scope. However, if attendance at any additional meetings is requested, FHU can attend at our standard hourly billing rates. This task also includes preparing monthly progress reports with invoices and other project management related tasks.

Schedule and Fee Estimate

Upon receipt of a signed copy of this agreement, the draft report will be submitted to the City of Wahoo within 45 days for comments and review. We have assumed a period of two weeks for agency review of the draft report. Comments will be addressed and incorporated into the final memo. The final memo will be submitted approximately two weeks after receipt of the draft memo comments.

FHU proposes to conduct the traffic study for a lump sum amount of **\$16,000**. A more detailed breakdown of the costs is shown below:

ITEMS	LABOR COSTS
Total Labor	\$ 14,375
Direct Expenses (Counts, Mileage, and Printing)	\$ 1,625
TOTAL LABOR AND DIRECT EXPENSES	\$ 16,000

Should the City of Wahoo or NDOT require additional intersections or time periods to be included in the study, we will notify you immediately regarding any impact on the cost of the study or the project schedule.

If the conditions of this proposal are acceptable, please sign this letter and send it back for our files. In an effort to expedite the study, please call or send an e-mail with the signed proposal back as your acceptance. By signing this proposal, the client acknowledges the attached standard provisions. If you have any questions about this proposal, please call Adam Denney at (402) 445-4405.

Sincerely,

FELSBURG HOLT & ULLEVIG



Mark Meisinger, PE, PTOE
Principal



Adam Denney, PE, PTOE
Traffic Group Leader

Accepted By _____

Title

Date

Attachment:
FHU Letter Agreement Standard Provisions

<O:\Marketing\Proposals\Letter Proposals\City of Wahoo\Hwy 77 Development\Highway 77 TIA Proposal.docx>

Letter Agreement Standard Provisions

A. SERVICES BY THE CONSULTANT

The **CONSULTANT** agrees to perform all services, hereunder, using reasonable skill and judgment in accordance with applicable professional standards. **CONSULTANT** agrees to keep the **CLIENT** informed on its progress through periodic reports, and to maintain accurate records relating to its services for this project.

The **CONSULTANT** agrees to provide, directly or by association with such other Consultants or Contractors as it may deem necessary to further the interest of the **CLIENT**, the basic services as described in the Scope of Work provided in the signed Letter Proposal or Letter Agreement.

B. RESPONSIBILITIES OF THE CLIENT

The **CLIENT** shall provide and make available to the **CONSULTANT**, for his use, all maps, property descriptions, surveys, previous reports, historical data, and other information within its knowledge and possession relative to the services to be furnished hereunder. Data so furnished to the **CONSULTANT** shall remain the property of the **CLIENT** and will be returned upon completion of its services.

The **CLIENT** shall make provisions for the **CONSULTANT** to enter upon public and private properties as required for the **CONSULTANT** to perform its services hereunder.

C. EXTRA WORK

The **CLIENT** may desire to have the **CONSULTANT** perform work or render services other than those provided in Scope of Work. This will be Extra Work. Work shall not proceed until so authorized by the **CLIENT**. Payment for all work under this Agreement shall be on an hourly basis plus expenses in accordance with the attached rate schedule. Charges for outside services, expenses, and subconsultant work will be billed at 1.10 times the invoice amount.

D. TIME OF BEGINNING AND COMPLETION

Execution of the Letter Proposal is authorization by the **CLIENT** for the **CONSULTANT** to proceed with the work (Time of Beginning). The original Time of Completion is as noted in the Letter Agreement.

E. PAYMENT

Unless otherwise provided herein, **CONSULTANT** shall submit monthly invoices for Basic, Additional or Special Services and for Reimbursable Expenses each month for work that has been performed. If hourly, invoices will be based on labor and expenses incurred. If lump sum, invoices will be based on the percentage of work completed.

Payments not made within 60 days of the billing date shall bear interest at the rate of 1% per month which is an annual interest rate of 12%. If any portion of, or an entire account remains unpaid 90 days after billing, the **CLIENT** shall pay all costs of collection, including reasonable attorney's fees.

F. DELAYS

If the **CONSULTANT** is delayed at any time in the progress of work by any act or neglect of the **CLIENT** or its agents, employees or contractors, or by changes in the work, or by

extended reviews by the **CLIENT**, fire, unavoidable casualties, or by any causes beyond the **CONSULTANT'S** control, the time schedule shall be extended for a reasonable length of time, and **CONSULTANT'S** compensation may be subject to renegotiation for increased expenses due to escalation of prices, extended services, rework, and/or other expenses incidental to such delays.

G. OWNERSHIP OF DOCUMENTS

All drawings, specifications, reports, records, and other work products developed by the **CONSULTANT** associated with this project are instruments of service for this project only and shall remain the property of the **CONSULTANT** whether the project is completed or not. The **CONSULTANT** shall furnish originals or copies of such work product to the **CLIENT** in accordance with the services required hereunder. Reuse of any of the work product of the **CONSULTANT** by the **CLIENT** on an extension of this project or on any other project without the written permission of the **CONSULTANT** shall be at the **CLIENT'S** risk and the **CLIENT** agrees to defend, indemnify, and hold harmless the **CONSULTANT** from all claims, damages, and expenses including attorney's fees arising out of such unauthorized reuse by the **CLIENT** or by others acting through the **CLIENT**. Any reuse or adaptation of the **CONSULTANT'S** work product shall entitle the **CONSULTANT** to equitable compensation.

H. INSURANCE

During the course of the services, the **CONSULTANT** shall maintain Workmen's Compensation Insurance in accordance with the Workmen's Compensation laws of the State of Nebraska Professional Liability Insurance with a minimum coverage of \$1,000,000 per occurrence, \$2,000,000 aggregate; Automobile Liability with a combined single limit coverage of \$1,000,000; and Commercial General Liability of \$1,000,000 per occurrence, \$2,000,000 aggregate. Upon request, the **CONSULTANT** shall provide certificates of insurance to the **CLIENT** indicating compliance with this paragraph.

I. TERMINATION

Either the **CLIENT** or the **CONSULTANT** may terminate this Agreement at any time with or without cause upon giving the other party fourteen (14) calendar days prior written notice. The **CLIENT** shall within sixty (60) calendar days of termination pay the **CONSULTANT** for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of this contract.

J. DISPUTES

Any claim, dispute, or other matter in question between the **CLIENT** and the **CONSULTANT**, arising out of or relating to either's obligations to the other under this Agreement, shall, if possible, be resolved by negotiation between the **CLIENT'S** representative and the **CONSULTANT** Principal-in-Charge for the Project. **CLIENT** and **CONSULTANT** each commit to seeking resolution of such matters in an amicable, professional, and expeditious manner. If a matter cannot be resolved by these parties, no later than thirty (30) calendar days after either party submits an issue in writing for resolution,

representatives from executive management of the **CLIENT** and **CONSULTANT** shall attempt to resolve the matter through additional good faith negotiations. If resolution cannot be reached within an additional thirty (30) calendar days, the **CLIENT** and **CONSULTANT** agree that all such unresolved disputes shall be submitted to nonbinding mediation.

Pending final resolution of the dispute, the **CONSULTANT** shall proceed diligently with the performance of the Basic Services as described in Article A, as directed by the **CLIENT**, and the **CLIENT** shall continue to pay the undisputed payments due to the **CONSULTANT** for such services in accordance with the payment provisions of this Agreement.

K. GOVERNING LAW

Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the law of the State of Nebraska.

L. SUCCESSORS AND ASSIGNS

The **CLIENT** and the **CONSULTANT** each binds itself and its partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party with respect to all covenants of this Agreement. Neither party shall assign or transfer its interest in this Agreement without the written consent of the other.

M. EXTENT OF AGREEMENT

This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations and representations. Nothing herein shall be deemed to create any contractual relationship between the **CONSULTANT** and any other consulting business, or contractor, or material supplier on the project, nor obligate it to furnish any notices required under other such contracts, nor shall anything herein be deemed to give anyone not a party to this Agreement any right of action against a party which does not otherwise exist without regard to this Agreement.

N. NOTICES

All notices and instructions given by either party to the other shall be in writing, and shall be deemed to be properly served if delivered to the address of record shown below, or if deposited in the United States Mail properly stamped with the required postage and addressed to such party at the address in the Letter Proposal or Letter Agreement. The date of service of a notice sent by mail shall be deemed to be the day following the date on which said notice is so deposited. Either party hereto shall have the right to change its address by giving the other party written notice thereof.

O. ACCURACY OF SERVICES AND LIMITATION OF LIABILITY

The **CONSULTANT** shall use reasonable professional skill and judgment in providing the services, hereunder, but does not warrant that such services are without errors and/or omissions. If, during the authorized use and prudent interpretation of documents or advice furnished by the **CONSULTANT**, an error or omission is discovered within a reasonable time, the **CONSULTANT** shall be responsible for correction of any work which must be removed or altered to meet the project requirements, provided the **CONSULTANT** is given a

reasonable opportunity to make remedial recommendations and to correct or arrange for the correction of the work itself. The **CONSULTANT** will not be liable for the cost of procurement of work or services performed in correcting such errors and/or omissions where such work or services result in a value to the Project over and above that which the original work or services provided.

In providing opinions of probable construction cost, the **CLIENT** understands that the **CONSULTANT** has no control over costs or the price of labor, equipment, or materials, or the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made based on the **CONSULTANT'S** qualifications, and experience. The **CONSULTANT** makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

The **CONSULTANT** agrees, to the fullest extent permitted by law, to indemnify and hold the **CLIENT** harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the **CONSULTANT'S** negligent acts, errors or omissions in the performance of professional services under this Agreement and those of his or her subconsultants or anyone for whom the **CONSULTANT** is legally liable.

The **CLIENT** agrees, to the fullest extent permitted by law, to indemnify and hold the **CONSULTANT** harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the **CLIENT'S** negligent acts, errors or omissions and those of his or her contractors, subcontractors or consultants or anyone for whom the **CLIENT** is legally liable, and arising from the project that is the subject of this Agreement. **CLIENT'S** amount of indemnity or costs incurred in providing the indemnity shall be limited to the same amount as the **CONSULTANT'S** liability is listed below.

As negotiated as a part of this Agreement, to the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of the **CONSULTANT** and the **CONSULTANT'S** officers, directors, partners, employees, agents and subconsultants, to the **CLIENT** and anyone claiming by, through or under the **CLIENT**, for any and all claims, losses, costs or damages of any nature whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract or warranty, express or implied, of the **CONSULTANT** or the **CONSULTANT'S** officers, directors, employees, agents or subconsultants, or any of them, shall not exceed the total amount of \$100,000.

Upon execution of the Letter Agreement or Letter Proposal, the **CLIENT** thereby agrees to the terms of these Special Provisions.

UTV / ATV

&

Golf Cart

ATV/UTV/Golf Cart

Items to consider:

Will all three be treated the same?

What will be required regarding Safety:

- Seatbelts?

- Helmets?

- Child Restraints?

- Total number of passengers?

- Speed Limit?

- Street Restrictions?

Age Restrictions

Insurance Requirements

Permit Issuance and Enforcement

What Department will handle permitting?

- Cost?

Penalties for violation?

Special Designated 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

Karen's Spirits and Smokes

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

708 North Chestnut Wahoo NE 68066

Retail Liquor License Address or Non-Profit Business Address

123467

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

3/31/2023

Event Start Time(s):

4pm

Event End Time(s):

10pm

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: St. Wenceslaus Catholic Church Basement

Event Street Address/City: 221 E 2nd, 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: karebear7552@yahoo.com

*Signature Authorized Representative: 

Printed Name

Karen DeBoer

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

Ordinance No 2417

ORDINANCE NO. 2417

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT:

WEST HALF OF LOT 10, BLOCK 150, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA

BY ALLOWING THEREON A PERMITTED CONDITIONAL USE, THAT BEING DEVELOPMENT OF A BEER GARDEN, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER C-1 DOWNTOWN COMMERCIAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.12.03; 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 FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE EFFECTIVE DATE THEREOF; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, Copper Kong NE, LLC, is the owner of the following described real estate, to wit:

WEST HALF OF LOT 10, BLOCK 150, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA

commonly known as 128 West 5th Street, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, pursuant to Ordinance No. 1886, have adopted zoning for the City of Wahoo, Nebraska, said ordinance cited and known as the Wahoo Zoning Ordinance, and,

WHEREAS, said Wahoo Zoning Ordinance does provide for the Official Zoning Map of the City of Wahoo, Nebraska, and,

WHEREAS, said Wahoo Zoning Ordinance does provide for various zoning districts within the City of Wahoo, Nebraska, and its extraterritorial jurisdiction, and,

WHEREAS, said Official Zoning Map does indicate that the above-described real estate is zoned C-1 Downtown Commercial, and,

WHEREAS, said Wahoo Zoning Ordinance, ARTICLE 5 ZONING DISTRICTS, Section 5.12 C-1 Downtown Commercial District, Section 5.12.03 PERMITTED CONDITIONAL USES does allow for a beer garden associated with a tavern, subject to obtaining a Beer Garden Permit as outlined in Municipal Code, and

WHEREAS, Copper Kong NE, LLC, requested, in writing, that the Mayor and Council of the City of Wahoo, Nebraska, amend the Official Zoning Map of the City of Wahoo, Nebraska, to allow upon the above-described real estate, as a Permitted Conditional Use, a beer garden, and,

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

1. That the findings here and above made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.
2. That the Official Zoning Map of the City of Wahoo, Nebraska, be amended, as to the following-described real estate, to wit:

WEST HALF OF LOT 10, BLOCK 150, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA,

commonly known as 128 West 5th Street, to allow as a Permitted Conditional Use thereon a facility for a beer garden, subject to obtaining a Beer Garden Permit as outlined in Municipal Code, subject to the following:

- a. There shall be maintained a minimum of six (6) foot tall iron, wood, concrete, stone, or similar material fence surrounding the beer garden area. The maximum distance between any posts of the fencing shall be four (4) inches. Design and structure of the fence and landscaping shall preserve harmony with the appearance of the surrounding property. The fence shall contain the required fire exit(s) which must be used as emergency exits only. The gate(s) or exit(s) shall be of the same height as that required of the beer garden fence, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks. The beer garden fence shall comply with all regulations regarding vision clearance along with required distance from corner.
 - b. Utility meters and services shall be accessible outside said fence to City of Wahoo, Wahoo utilities staff at all times.
 - c. This Conditional Use Permit is subject to review in twelve (12) months, on or about February 28, 2024.
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 to be invalid, it is the intent of the 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 and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.
 6. That this Ordinance shall be published in pamphlet form and shall be in full force and take effect from and after its passage and approval, provided it has been published, as aforesaid, within the first fifteen (15) days after its passage and approval.

7. That this Ordinance shall not be made a part of the Zoning Ordinance of the City of Wahoo, Nebraska.

PASSED AND APPROVED this 28th day of February 2023

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, City Clerk

(SEAL)

Ordinance No 2418

ORDINANCE NO. 2418

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, AND ORDINANCE NO. 2234, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT:

LOT 1, 2, AND PART OF LOTS 3, 10, 11 AND 12, AND THE VACATED ALLEY LYING CONTIGUOUS TO THE AFORESAID LOTS, ALL IN BLOCK 115, AND PART OF VACATED ELM STREET, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA,

BY EXTENDING THE CONDITIONAL USE PERMIT TO ALLOW THEREON A PERMITTED CONDITIONAL USE, THAT BEING DANCE ACADEMY, AS ALLOWED BY PERMITTED CONDITIONAL USES LISTED UNDER R-2 RESIDENTIAL ZONING DISTRICT OF WAHOO ZONING REGULATIONS SECTION 5.08.03; 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 FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE EFFECTIVE DATE THEREOF; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, MLR Dance, LLC, is the owner of the following described real estate, to wit,:

LOT 1, 2, AND PART OF LOTS 3, 10, 11 AND 12, AND THE VACATED ALLEY LYING CONTIGUOUS TO THE AFORESAID LOTS, ALL IN BLOCK 115, AND PART OF VACATED ELM STREET, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA,

commonly known as 345 East 10th Street, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, pursuant to Ordinance No. 1886, have adopted zoning for the City of Wahoo, Nebraska, said ordinance cited and known as the Wahoo Zoning Ordinance, and,

WHEREAS, said Wahoo Zoning Ordinance does provide for the Official Zoning Map of the City of Wahoo, Nebraska, and,

WHEREAS, said Wahoo Zoning Ordinance does provide for various zoning districts within the City of Wahoo, Nebraska, and its extraterritorial jurisdiction, and,

WHEREAS, said Official Zoning Map does indicate that the above-described real estate is zoned R-2 Residential District, and,

WHEREAS, said Wahoo Zoning Ordinance, ARTICLE 5 ZONING DISTRICTS, Section 5.08 R-2 Residential District, Section 5.08.03 PERMITTED CONDITIONAL USES does allow academies, including dance, music, gymnastics, or martial arts, not including uses defined in Adult Establishment, and

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, pursuant to Ordinance No. 2145, Ordinance No. 2168, and Ordinance No. 2234 have approved a Conditional Use Permit for the above-described property to allow as a Permitted Conditional Use, an academy for instruction in the art of dance, and,

WHEREAS, said Conditional Use Permit included a condition requiring the Council review the approved permit from time to time after issuance, and,

WHEREAS, it is the desire of the City Council of the City of Wahoo, Nebraska to extend the issued Conditional Use Permit for a period of five (5) years, with review at that time.

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

1. That the findings here and above made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.
2. That the Conditional Use Permit for the following-described real estate, to wit:

LOT 1, 2, AND PART OF LOTS 3, 10, 11 AND 12, AND THE VACATED ALLEY LYING CONTIGUOUS TO THE AFORESAID LOTS, ALL IN BLOCK 115, AND PART OF VACATED ELM STREET, COUNTY ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA

to allow, as a Permitted Conditional Use thereon, an academy for instruction in the art of dance, subject to the following:

- a. Parking requirements shall be met as required under zoning regulations.
 - b. Said use shall be subject to review by the Wahoo City Council in five (5) years, on or about February 28, 2028.
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 to be invalid, it is the intent of the 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 and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.
 6. That this Ordinance shall be published in pamphlet form and shall be in full force and take effect from and after its passage and approval, provided it has been published, as aforesaid, within the first fifteen (15) days after its passage and approval.

7. That this Ordinance shall not be made a part of the Zoning Ordinance of the City of Wahoo, Nebraska.

PASSED AND APPROVED this 28th day of February 2023.

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Mayor

ATTEST:

Christina Fasel, Its Clerk

(SEAL)

Municipal Code Changes

Ordinance No
2419-2427

ORDINANCE NO. 2419

AN ORDINANCE RELATING TO proposed budget statements; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding proposed budget statements, their contents, availability and correction:

**PROPOSED BUDGET STATEMENT; CONTENTS; AVAILABILITY;
CORRECTION.**

(A) The (City Council/Board of Trustees) shall annually or biennially prepare a proposed budget statement on forms prescribed and furnished by the Auditor of Public Accounts. The proposed budget statement shall be made available to the public prior to publication of the notice of the hearing on the proposed budget statement pursuant to § 35.29. A proposed budget statement shall contain the following information, except as provided by state law:

(1) For the immediately preceding fiscal year or biennial period, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: the unencumbered cash balance at the beginning and end of the year or biennial period; the amount received by taxation of personal and real property; and the amount of actual expenditures;

(2) For the current fiscal year or biennial period, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: the actual unencumbered cash balance available at the beginning of the year or biennial period; the amount received from personal and real property taxation; and the amount of actual and estimated expenditures, whichever is applicable. This statement shall contain the cash reserve for each fiscal year or biennial period and shall note whether or not the reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years or biennial periods. The cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(3) For the immediately ensuing fiscal year or biennial period, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: the actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year or biennial period; the amounts proposed to be expended during the year or biennial period; and the

amount of cash reserve, based on actual experience of prior years or biennial period, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property:

(a) For the purpose of paying the principal or interest on bonds issued or authorized to be issued by the (City Council/Board of Trustees) or the legal voters of the political subdivision; and

(b) For all other purposes.

(5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the (City Council/Board of Trustees); and

(6) A list of the proprietary functions which are not included in the budget statement. These proprietary functions shall have a separate budget statement which is approved by the (City Council/Board of Trustees) as provided in the Municipal Proprietary Function Act.

(B) The actual or estimated unencumbered cash balance required to be included in the budget statement by this section shall include deposits and investments of the (city/village) as well as any funds held by the County Treasurer for the (city/village) and shall be accurately stated on the proposed budget statement.

(C) The (city/village) shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources.
(Neb. RS 13-504)

(D) The estimated expenditures plus the required cash reserve for the ensuing fiscal year or biennial period less all estimated and actual unencumbered balances at the beginning of the year or biennial period and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall equal the amount to be received from taxes, and that amount shall be shown on the proposed budget statement pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year or biennial period.
(Neb. RS 13-505)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

ORDINANCE NO. 2420

AN ORDINANCE RELATING TO proposed budget statements, their hearing and adoption and the certification of the tax amount; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding proposed budget statements, their hearing and adoption and the certification of the tax amount:

**PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION
OF TAX AMOUNT.**

(A) The (City Council/Board of Trustees) shall each year or biennial period conduct a public hearing on its proposed budget statement. Such hearing shall be held separately from any regularly scheduled meeting of the governing body and shall not be limited by time. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least 4 calendar days prior to the date set for hearing in a newspaper of general circulation within the (city/village)'s jurisdiction. For purposes of such notice, the 4 calendar days shall include the day of publication but not the day of hearing. When the total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the proposed budget summary may be posted at the (City Council/Board of Trustees)'s principal headquarters. At such hearing, the governing body shall make at least 3 copies of the proposed budget statement available to the public and shall make a presentation outlining key provisions of the proposed budget statement, including, but not limited to, a comparison with the prior year's budget. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the governing body at the hearing and shall be given a reasonable amount of time to do so.

(B) After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of the hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately the amount to be applied to the payment of principal or interest on bonds issued or authorized to be issued by the (City Council/Board of Trustees) or the legal voters of the political subdivision and the amount to be received for all other purposes.

(C) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of the changes shall be published within 20 calendar days after

its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for the changes.

(D) Upon approval by (City Council/Board of Trustees), the budget shall be filed with the Auditor of Public Accounts. The Auditor may review the budget for errors in mathematics, improper accounting, and noncompliance with the Nebraska Budget Act or Neb. RS 13-518 to 13-522. If the Auditor detects such errors, he or she shall immediately notify the (Council/Board) of such errors. The (Council/Board) shall correct any such error as provided in § 35.34. Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or noncompliance for which the Auditor has notified the (Council/Board).
(Neb. RS 13-506)

(E) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.
(Neb. RS 13-507)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

(SEAL)

Clerk

ORDINANCE NO. 2421

AN ORDINANCE RELATING TO adopted budget statements, their filing and the certification of the amount of tax; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding adopted budget statements, their filing and the certification of the amount of tax:

ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the (City Council/Board of Trustees) shall file with and certify to the levying board or boards on or before September 30 of each year or September 30 of the final year of a biennial period and file with the Auditor of Public Accounts a copy of the adopted budget statement which complies with Neb. RS 13-518 to 13-522, together with the amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued or authorized to be issued by the (City Council/Board of Trustees) or the legal voters of the political subdivision; and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) If the prime rate published by the Federal Reserve Board is 10% or more at the time of the filing and certification required under this subsection, the (City Council/Board of Trustees), in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year or biennial period and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year or biennial period which is still pending. Except for such allowances, the (City Council/Board of Trustees) shall

not certify an amount of tax more than 1% greater or lesser than the amount determined under Neb. RS 13-505.

(C) The (City Council/Board of Trustees) shall use the certified taxable values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the levy. The (City Council/Board of Trustees) may designate one of its members to perform any duty or responsibility required of the (Council/Board) by this section.
(Neb. RS 13-508)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

(SEAL)

Clerk

ORDINANCE NO. 2422

AN ORDINANCE RELATING TO property tax requests for an increase more than the allowable growth percentage; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding property tax requests for an increase more than the allowable growth percentage:

PROPERTY TAX REQUEST; INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE; PROCEDURE FOR SETTING.

(A) For purposes of this section, *POLITICAL SUBDIVISION* means any county, city, school district, or community college.

(B) If any political subdivision seeks to increase its property tax request by more than the allowable growth percentage, such political subdivision may do so if:

(1) A public hearing is held and notice of such hearing is provided in compliance with division (C) of this section; and

(2) The governing body of such political subdivision passes a resolution or an ordinance that complies with division (D) of this section.

(C) (1) Each political subdivision within a county that seeks to increase its property tax request by more than the allowable growth percentage shall participate in a joint public hearing. Each such political subdivision shall designate one representative to attend the joint public hearing on behalf of the political subdivision. If a political subdivision includes area in more than one county, the political subdivision shall be deemed to be within the county in which the political subdivision's principal headquarters are located. At such hearing, there shall be no items on the agenda other than discussion on each political subdivision's intent to increase its property tax request by more than the allowable growth percentage.

(2) The joint public hearing shall be held on or after September 17 and prior to September 29 and before any of the participating political subdivisions file their adopted budget statement pursuant to Neb. RS 13-508.

(3) The joint public hearing shall be held after 6:00 p.m. local time on the relevant date.

(4) The joint public hearing shall be organized by the county clerk or his or her designee. At the joint public hearing, the representative of each political subdivision shall give a brief presentation on the political subdivision's intent to increase its property tax request by more than the allowable growth percentage and the effect of such request on the political subdivision's budget. The presentation shall include:

- (a) The name of the political subdivision;
- (b) The amount of the property tax request; and
- (c) The following statements:
 - 1. The total assessed value of property differs from last year's total assessed value by ___ percent;
 - 2. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$___ per \$100 of assessed value;
 - 3. The (name of political subdivision) proposes to adopt a property tax request that will cause its tax rate to be \$___ per \$100 of assessed value;
 - 4. Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of political subdivision) will exceed last year's by ___ percent; and
 - 5. To obtain more information regarding the increase in the property tax request, citizens may contact the (name of political subdivision) at (telephone number and email address of political subdivision).

(5) Any member of the public shall be allowed to speak at the joint public hearing and shall be given a reasonable amount of time to do so.

(6) Notice of the joint public hearing shall be provided:

- (a) By sending a postcard to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed;
- (b) By posting notice of the hearing on the home page of the relevant county's website, except that this requirement shall only apply if the county has a population of more than 25,000 inhabitants; and
- (c) By publishing notice of the hearing in a legal newspaper in or of general circulation in the relevant county.

(7) Each political subdivision that participates in the joint public hearing shall send the information prescribed in subdivision (C)(8) of this section to the county clerk by September 5. The county clerk shall transmit the information to the county assessor no later than September 10. The county clerk shall notify each participating political subdivision of the date, time, and location of the joint public hearing. The county assessor shall send the information required to be included on the postcards pursuant to subdivision (C)(8) of this section to a printing service designated by the county board. The initial cost for printing the postcards shall be paid from the county general fund. Such postcards shall be mailed at least 7 calendar days before the joint public hearing. The cost of creating and mailing the postcards, including staff time, materials, and postage, shall be charged proportionately to the political subdivisions participating in the joint public hearing based on the total number of parcels in each participating political subdivision.

(8) The postcard sent under this subsection and the notice posted on the county's website, if required under subdivision (C)(6)(b) of this section, and published in the newspaper shall include the date, time, and location for the joint public hearing, a listing of and telephone number for each political subdivision that will be participating in the joint public hearing, and the amount of each participating political subdivision's property tax request. The postcard shall also contain the following information:

(a) The following words in capitalized type at the top of the postcard:
NOTICE OF PROPOSED TAX INCREASE;

(b) The name of the county that will hold the joint public hearing, which shall appear directly underneath the capitalized words described in subdivision (C)(8)(a) of this section;

(c) The following statement: The following political subdivisions are proposing a revenue increase which would result in an overall increase in property taxes in (insert current tax year). THE ACTUAL TAX ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice contains estimates of the tax on your property as a result of this revenue increase. These estimates are calculated on the basis of the proposed (insert current tax year) data. The actual tax on your property may vary from these estimates.

(d) The parcel number for the property;

(e) The name of the property owner and the address of the property;

(f) The property's assessed value in the previous tax year;

(g) The amount of property taxes due in the previous tax year for each participating political subdivision;

(h) The property's assessed value for the current tax year;

(i) The amount of property taxes due for the current tax year for each participating political subdivision;

(j) The change in the amount of property taxes due for each participating political subdivision from the previous tax year to the current tax year; and

(k) The following statement: To obtain more information regarding the tax increase, citizens may contact the political subdivision at the telephone number provided in this notice.

(D) After the joint public hearing required in subsection (C) of this section, the governing body of each participating political subdivision shall pass an ordinance or resolution to set such political subdivision's property tax request. If the political subdivision is increasing its property tax request over the amount from the prior year, including any increase in excess of the allowable growth percentage, then such ordinance or resolution shall include, but not be limited to, the following information:

- (1) The name of the political subdivision;
- (2) The amount of the property tax request;
- (3) The following statements:

(a) The total assessed value of property differs from last year's total assessed value by ____ percent;

(b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ ____ per \$100 of assessed value;

(c) The (name of political subdivision) proposes to adopt a property tax request that will cause its tax rate to be \$ ____ per \$100 of assessed value; and

(d) Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of political subdivision) will exceed last year's by ____ percent; and

- (4) The record vote of the governing body in passing such resolution or ordinance.

(E) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the county clerk on or before October 15 of the year for which the tax request is to apply.

(F) The county clerk, or his or her designee, shall prepare a report which shall include (a) the names of the representatives of the political subdivisions participating in the joint public hearing and (b) the name and address of each individual who spoke at the joint public hearing, unless the address requirement is waived to protect the security of the individual, and the name of any organization represented by each such individual. Such report shall be delivered to the political subdivisions participating in the joint public hearing within ten days after such hearing.
(Neb. RS 77-1633)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

(SEAL)

Clerk

ORDINANCE NO. 2423

AN ORDINANCE RELATING TO property tax levies; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
Wahoo, NEBRASKA:

Section 1. The city's Code of Ordinances is revised to read as follows regarding property tax levies:

PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED.

(A) Property tax levies for the support of the city for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this division (A), except as provided in division (C). The city may levy a maximum levy of \$0.45 per \$100 of taxable valuation of property subject to the levy plus an additional \$0.05 per \$100 of taxable valuation to provide financing for the city's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. RS 51-201, museum pursuant to Neb. RS 51-501, visiting community nurse, home health nurse, or home health agency pursuant to Neb. RS 71-1637, or statue, memorial, or monument pursuant to Neb. RS 80-202. Property tax levies for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against the city which require or obligate the city to pay that judgment, to the extent the judgment is not paid by liability insurance coverage of the city, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Division of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this division (A). The limitations on tax levies provided in this division (A) are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this division (A) are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. RS 77-1606 unless approved under division (C).
(Neb. RS 77-3442)

(B) (1) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, and off-street parking districts established under the Offstreet Parking District Act may be allocated property taxes as authorized by law which are authorized by the city and are counted in the municipal levy limit provided by division (A), except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire

interest-free loans from the Division of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport. For off-street parking districts established under the Offstreet Parking District Act, the tax shall be counted in the allocation by the city proportionately, by dividing the total taxable valuation of the taxable property within the district by the total taxable valuation of the taxable property within the city multiplied by the levy of the district. The City Council shall review and approve or disapprove the levy request of the political subdivisions subject to this division (B). The City Council may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the city may be exceeded as provided in division (C).

(2) On or before August 1, all political subdivisions subject to city levy authority under this division (B) shall submit a preliminary request for levy allocation to the City Council. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude that political subdivision from using procedures set forth in Neb. RS 77-3444 to exceed the final levy allocation as determined in this division (B).

(3) (a) The City Council shall:

1. Adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions; and

2. Forward a copy of that resolution to the chairperson of the governing body of each of its political subdivisions.

(b) No final levy allocation shall be changed after September 1 except by agreement between both the City Council and the governing body of the political subdivision whose final levy allocation is at issue.
(Neb. RS 77-3443)

(C) (1) The city may exceed the limits provided in division (A) by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

(2) The City Council may call for the submission of the issue to the voters:

(a) By passing a resolution calling for exceeding the limits by a vote of at least 2/3 of the members of the City Council and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the city; or

(b) Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the city requesting an election signed by at least 5% of the registered voters residing in the city.

(3) The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in division (A) and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than 5 years. Any resolution or petition calling for a special election shall be filed with the County Clerk or Election Commissioner on or before the fifth Friday prior to the election, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election.

(4) The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 31 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the County Clerk or Election Commissioner on or after May 1, 1998, the petition shall be in the form as provided in Neb. RS 32-628 through 32-631.

(5) Any excess levy authority approved under this division (C) shall terminate pursuant to its terms, on a vote of the City Council to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, or as provided in division (C)(8), whichever is earliest.

(6) The City Council may pass no more than 1 resolution calling for an election pursuant to this division (C) during any 1 calendar year. Only 1 election may be held in any 1 calendar year pursuant to a petition initiated under this division (C). The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. RS 77-3444.

(7) If a majority of the votes cast upon the ballot question are in favor of the tax, the County Board shall authorize a tax in excess of the limits in division (A), but the tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to the tax, the City Council shall not impose the tax.

(8) (a) The city may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

(b) The City Council may call for the submission of the issue to the voters:

1. By passing a resolution calling for the rescission or modification by a vote of at least 2/3 of the members of the City Council and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the city; or

2. Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the city requesting an election signed by at least 5% of the registered voters residing in the city.

(c) The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either the excess levy authority will be rescinded or the excess levy authority will be modified. If the excess levy authority will be

modified, the amount and duration of the modification shall be stated. The modification shall not have a duration greater than 5 years. The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 31 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.
(Neb. RS 77-3444)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor)

(SEAL)

Clerk

ORDINANCE NO. 2424

AN ORDINANCE RELATING TO minutes; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahod, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding minutes:

MINUTES.

(A) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(B) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(C) Minutes shall be written or kept as an electronic record and shall be available for inspection within 10 working days or prior to the next convened meeting, whichever occurs earlier, except that the city may have an additional 10 working days if the employee responsible for writing or keeping the minutes is absent due to a serious illness or emergency.

(Neb. RS 84-1413)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

ORDINANCE NO. 2425

AN ORDINANCE RELATING TO special elections; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding special elections:

SPECIAL ELECTIONS.

(A) (1) Except as provided in Neb. RS 77-3444, any issue to be submitted to the registered voters at a special election by the (city/village) shall be certified by the City Clerk to the Election Commissioner or County Clerk on or before the eighth Friday prior to the election. A special election may be held by mail as provided in Neb. RS 32-952 through 32-959. Any other special election under this section shall be subject to division (B) of this section.

(2) In lieu of submitting the issue at a special election, the (city/village) may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the City Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

(3) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the City Clerk shall be responsible for the publication or posting of any required special notice of the submission of the issue other than the notice required to be given of the statewide election issues. The Election Commissioner or County Clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the Election Commissioner or County Clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the Election Commissioner or County Clerk shall certify the election results to the City Council. The canvass by the County Canvassing Board shall have the same force and effect as if made by the (City Council/Board of Trustees).

(B) (1) A (city/village) that has submitted an issue for a special election under subdivision (A)(1) of this section may cancel the special election if the Secretary of State, Election Commissioner, or County Clerk

receives a resolution adopted by the political subdivision canceling the special election on or before the fourth Thursday prior to the election. No cancellation shall be effective after such date. If a special election is canceled in such manner, the (city/village) shall be responsible for the costs incurred that are related to the canceled election. Such costs shall include all chargeable costs as provided in section Neb. RS 32-1202 associated with preparing for and conducting a special election.

(b) A (city/village) that has submitted an issue at a statewide primary or general election or at any scheduled county election under subdivision (A)(2) of this section may withdraw the issue from the ballot if the Secretary of State, Election Commissioner, or County Clerk receives a resolution adopted by the (city/village) withdrawing the issue from the ballot no later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election. No withdrawal shall be effective after such date. Any issue withdrawn in this manner shall not be printed on the ballot.

(Neb. RS 32-559)

(C) Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election. No special election shall be held under the Election Act in September of an even-numbered year except for a special election by a political subdivision pursuant to Neb. RS 13-519 or Neb. RS 77-3444 to approve a property tax levy or exceed a property tax levy limitation.

(Neb. RS 32-405)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

(SEAL)

Clerk

ORDINANCE NO. 2426

AN ORDINANCE RELATING TO recall procedure; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding recall procedure:

RECALL PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FILING CLERK. The Election Commissioner or County Clerk.
(Neb. RS 32-1301)

(B) (1) (The Mayor, a/A)ny member of the (City Council/Board of Trustees), and any other elected official of the (city/village) may be removed from office by recall pursuant to this section.

(2) The recall procedure and special election provisions of this section shall apply to members of the (City Council/Board of Trustees) who are elected by ward. Only registered voters of such member's ward may sign a recall petition or vote at the recall election. The recall election shall be held within the member's ward. When a member of the (City Council/Board of Trustees) is nominated by ward in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.
(Neb. RS 32-1302)

(C) (1) A petition demanding that the question of removing the Mayor, a member of the (City Council/Board of Trustees), or any other elected official be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for that office in the last general election, except that for (City Council/Board of Trustees) office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least 35% of the number of votes cast for the person receiving the most votes for such office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, a recall petition filing form shall be signed and filed with the filing clerk by at least 1 registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form shall state the name and office of the official sought to be removed, shall include in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the official sought to be removed by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the filing form at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address. If the official chooses, he or she may submit a defense statement in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the official receives the copy of the filing form. The filing clerk shall prepare the petition papers within 5 business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within 20 days after being notified by the filing clerk that the petition papers are available. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of Neb. RS 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.
(Neb. RS 32-1303)

(D) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(E) (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators as provided in division (C) of this section.

(2) Within 15 business days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be

removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.
(Neb. RS 32-1305)

(F) (1) If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the (City Council/Board of Trustees) that sufficient signatures have been gathered. Notification of the official sought to be removed may be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address.

(2) The (City Council/Board of Trustees) shall, within 21 days after receipt of the notification from the filing clerk pursuant to division (F)(1) of this section, order an election. The date of the election shall be the first available date that complies with Neb. RS 32-405 and that can be certified to the election commissioner or county clerk at least 50 days prior to the election, except that if any other election is to be held in the (city/village) within 90 days after such notification, the (City Council/Board of Trustees) shall provide for the holding of the recall election on the same day.

(3) All resignations shall be tendered as provided in Neb. RS 32-562. If the official whose removal is sought resigns before the recall election is held, the (City Council/Board of Trustees) may cancel the recall election if the (City Council/Board of Trustees) notifies the election commissioner or county clerk of the cancellation on or before the fourth Thursday prior to the election, otherwise the recall election shall be held as scheduled.

(4) If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election.
(Neb. RS 32-1306)

(G) The form of the official ballot at a recall election held pursuant to division (F) of this section shall conform to the requirements of Neb. RS 32-1307.

(H) (1) If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (I) of this section.

(2) If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section and Neb. RS 32-567 to 32-570 and 32-574.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the filing clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of one-half or more of the members of the (City Council/Board of Trustees) or any other governing body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk.

(5) No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same governing body during the remainder of his or her term of office.

(Neb. RS 32-1308)

(I) No recall petition filing form shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within 6 months after the beginning of his or her term of office or within 6 months prior to the incumbent filing deadline for the office.

(Neb. RS 32-1309)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

(SEAL)

Clerk

ORDINANCE NO. 2427

AN ORDINANCE RELATING TO the sale and conveyance of real property; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF
Wahoo, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding the sale and conveyance of real property:

SALE AND CONVEYANCE; REAL PROPERTY.

(A) Except as provided in division (G) of this section, the power of the (city/village) to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of that property and the manner and terms of such sales, except that the property shall not be sold at public auction or by sealed bid when:

- (1) The property is being sold in compliance with the requirements of federal or state grants or programs;
- (2) The property is being conveyed to another public agency; or
- (3) The property consists of streets and alleys.

(B) The (City Council/Board of Trustees) may establish a minimum price for real property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(C) After the passage of the resolution directing the sale, notice of all proposed sales of property described in division (A) of this section and the terms of such sales shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the (city/village).

(D) (1) If within 30 days after the third publication of the notice a remonstrance petition against the sale:

- (a) Conforms to Neb. RS 32-628,

(b) Is signed by registered voters of the (city/village) equal in number to 30% of the registered voters of the (city/village) voting at the last regular (city/village) election held therein, and

(c) Is filed with the (City Council/Board of Trustees), that property shall not then, nor within one year thereafter, be sold. If the date for filing the petition falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

(2) Upon the receipt of the remonstrance, the (City Council/Board of Trustees), with the aid and assistance of the Election Commissioner or County Clerk, shall determine the validity and sufficiency of signatures on the petition. The (City Council/Board of Trustees) shall deliver the petition to the Election Commissioner or County Clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested.

(3) Upon receipt of the petition, the Election Commissioner or County Clerk shall issue to the (City Council/Board of Trustees) a written receipt that the petition is in the custody of the Election Commissioner or County Clerk. The Election Commissioner or County Clerk shall compare the signature of each person signing the petition with the voter registration records to determine if each signer was a registered voter on or before the date on which the petition was filed with the (City Council/Board of Trustees). The Election Commissioner or County Clerk shall also compare the signer's printed name, street and number or voting precinct, and (city/village) or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the Election Commissioner or County Clerk determines that the printed name, street and number or voting precinct, and (city/village) or post office address match the registration records and that the registration was received on or before the date on which the petition was filed with the (City Council/Board of Trustees). The determinations of the Election Commissioner or County Clerk may be rebutted by any credible evidence which the (City Council/Board of Trustees) finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the petition, the sufficiency of the petition, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition process.

(4) Upon completion of the comparison of names and addresses with the voter registration records, the Election Commissioner or County Clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the Election Commissioner or County Clerk shall set forth the reason for the invalidity of the signature. If the Election Commissioner or County Clerk determines that a signer has affixed his or her signature more than once to the remonstrance and that only one person is registered by that name, the Election Commissioner or County Clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature.

(5) The Election Commissioner or County Clerk shall certify to the (City Council/Board of Trustees) the number of valid signatures necessary to constitute a valid remonstrance. The Election Commissioner or County Clerk shall deliver the remonstrance and the certifications to the (City Council/Board of Trustees) within 40 days after the receipt of the

remonstrance from the (City Council/Board of Trustees). The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than 20 signatures on 1 signature page shall be counted.

(6) The (City Council/Board of Trustees) shall, within 30 days after the receipt of the remonstrance and certifications from the Election Commissioner or County Clerk, hold a public hearing to review the remonstrance and certifications and receive testimony regarding them. The (City Council/Board of Trustees) shall, following the hearing, vote on whether or not the remonstrance is valid and shall uphold the remonstrance if sufficient valid signatures have been received.

(E) Real estate now owned or hereafter owned by the (city/village) may be conveyed without consideration to the state for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of Neb. RS 18-1001 through 18-1006.

(F) Following passage of the resolution directing a sale, publishing of the notice of the proposed sale, and passing of the 30-day right-of-remonstrance period, the property shall then be sold. The sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

(Neb. RS 17-503)

(G) Divisions (A) through (F) of this section shall not apply to the sale of real property if the authorizing resolution directs the sale of real property, the total fair market value of which is less than \$5,000. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the (city/village) for a period of not less than seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.

(Neb. RS 17-503.01)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____, 20 _____.

(Mayor/Chairperson)

(SEAL)