

WAHOO CITY COUNCIL AGENDA

Tuesday March 14, 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

Department head reports

Fire Chief Cody Hull

EMS Chief Grant Anderson

Consent agenda

1. Acceptance of excused absence of Mayor or Council member(s)
2. Approval of Minutes from the Feb 28, 2023 meeting of the city council
3. Acceptance of minutes from the March 2, 2023, Planning Commission meeting
4. Acceptance of the Audited Financial Statements for FY ending 9/30/2022 for the City of Wahoo

Public hearing and associated action items

Old business

Tabled business

Action items not requiring a public hearing

1. Approval of Ordinance No 2428 renewal of Conditional Use Permit for Good Life Boutique liquor license
2. Approval of amendment to contract with Olsson for construction administration of Lake Wanahoo Trail repair project, due to additional construction work by Gana Construction
3. Approval of first reading of Ordinance No 2429 regarding ATV/UTV usage within city limits.
4. Approval of Construction Administration consultant for the Wilmer Ridge Subdivision.

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 28, 2023 (agenda deadline = 5:00pm March 23, 2023)
2. April 11, 2023 (agenda deadline = 5:00pm April 6, 2023)
3. April 25, 2023 (agenda deadline = 5:00pm April 20, 2023)

Department Head Reports



MONTHLY REPORT

for

February, 2023

Building Maintenance

Repair work during the month included replacing the blower motor on a Civic Center boiler, repairing a leg on the Civic Center game room foosball table, replacing the pedals on a fitness room bike, and patching and repairing a small roof leak over the Civic Center meeting room.

Parks

Miscellaneous activities and chores in preparation for the spring season included sandblasting the Aquatic Center play feature steps in preparation for recoating, refurbishing an outdoor bench at the Civic Center, cleaning the Aquatic Center chemical pumps, and continuing park clean up as the weather allowed. Snow removal activities occurred on a couple days. Work continued on getting the new parks shop set up with installation of electrical outlets, shop organization bins, and a utility sink. Staff moved book shelves and desks and painted the southeast interior wall of the Library.

Membership Update

Total Civic Center Memberships (as of 2/28/23)	708
Total Civic Center Members (as of 2/28/23)	2,232

Civic Center Usage

Informal "Drop-in" Patrons	5,440
Rec Program Participants	<u>1,200</u>
Total Facility Use	6,640

Daily Average: 237/day

Highest Use Day of Month: 222 informal "drop-in" patrons

Respectfully Submitted By:

Kevin Stuhr
Director



February Recreation Report

Youth Programs:

2nd Grade Instructional Basketball League
48 participants

Afterschool Program
20 participants

Preschool Program
8 participants

Gymnastics – Session #3
20 participants

Adult Programs:

AM Water Aerobics
131 participants

Ai-Chi Water Aerobics
12 participants

Civic Center Classic
19 participants

Women's Volleyball (1st session)
10 teams

Women's Volleyball (2nd session)
8 teams

Coed Volleyball
4 teams

Special Events & Rentals:

3 – Meeting Room Rentals
48 participants

Wahoops Tournament – Fri. Night & Saturday

Upcoming Programs & Events:

Youth Spring Volleyball – Leagues begin in March

Youth Soccer – Leagues begin in April

Summer Camp – Currently accepting registrations

Beginner's Yoga (March Session) – Currently accepting registrations

Lifeguard Training Class – Registration begins March 13th

Wahoo Senior Services Manager's Report February 2023

<u>Informational Programs</u>	<u>Sessions</u>	<u># of participants & usage</u>
Board of Directors Meeting	0	cancelled due to conflicts
<u>Health Programs</u>		
Tai Chi	8	20 participants/128 times
Exercise Room	18	27 participants/197 times
City Meal Program	17	53 participants/490 meals
<u>Recreational Programs</u>		
Birthday Party---Ben Tomasello	1	20 participants
10 point pitch	7	12 participants/64 times
Bridge & tournament	4	10 participants/28 times
Pinochle & tournament	5	8 participants/30 times
Bingo Games	4	10 participants/32 times
Bunco	4	12 participants/36 times
Trivia Afternoon	1	11 participants

Other Programs and Services:

- Busy Wheels provided 188 rides (14 days possible)
- 29 volunteers donated 480 hours (Busy Wheel Drivers, Sr. Center vol. & Thrift Store vol.)
- 569 names were signed-in throughout the month (19 days possible)
- There was a Foot Clinic assisting 12 seniors.

Director's Report
FEBRUARY 2023

Library Open 23 days

**Statistics: Door Count: 2474; Reference: 195 ; Internet-in-library: 130; Wi-Fi 193; Kids 92 // Facebook Engagements 1709 //Study Room—28//Meeting Room Use: 390 //Inter-Library Loan 2 //Library story times 6 w/83 attendees//Outreach visits to schools & daycares—325//144 users had 773 Overdrive downloads-//HOOPLA downloads: 32 users had 137 downloads//News Bank Views 103 Log-ins w/1604 views// Donations: 14 gave 610 items to the library.
Items removed: 69 --//Items added: 157**

We packed a lot of activity into a short month! Great circulation, meeting room use & programs!

Weather was tricky a couple of days but we stayed open.

Planning is underway for our upcoming 100th Library Celebration, tentatively scheduled for Thursday, April 20.

Humanities Nebraska presenter, Jeff Barnes had a great turn-out for his program on early Nebraska history & the struggle to achieve Statehood.

Work is underway on the new kitchenette space in the large meeting room, thank you to the Library Foundation for funding this much anticipated project.

Mark your calendars for Saturday, April 15—Document Shred Day—10-Noon, free to all City of Wahoo residents.

Special thanks to my “Park & Rec” crew—Luke, Curtis, Jon-Erik & Bob who have helped us with painting, moving furniture & just about anything that I can bribe them with breakfast pizza!! They are the best.

Denise Lawver, Library Director

TOTAL LIBRARY USE & CIRCULATION for FEBRUARY 5469

Consent Agenda

Wahoo Public Library**Wahoo, Nebraska****February 28, 2023**

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, Ryan Ideus and Carl Warford. Council Members absent: Patrick Nagel.

Parks and Recreation Director Kevin Stuhr reported on the operation of the department. There have been recent updates to the website, Senior Services recently replaced a floor in the Senior Center, and they have recently developed a maintenance plan for parks, trails, and public facilities.

City Administrator Harrell reported on the status of projects throughout the city, including the Wanhoo Trails project.

Council Member Krejci motioned and Council Member Warford seconded to approve the consent agenda which included Acceptance of excused absence of Council Member Nagel, Approval of Minutes from the Feb 14 meeting of the City Council, Approval of amendment to the City of Wahoo Personnel Manual policy on compensatory time, Approval of Mayors Appointment of Jayson Iversen to the Planning Commission, Approval of amendment to job description for City Clerk, Approval of amendment to job description for City Treasurer-Human Resources Coordinator. Roll call vote Krejci, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

A public hearing on the request for liquor license for JC Steakhouse as filed by Jesus Zaragoza was opened at 7:15 pm. There was no public comment. Council Member Rappl motioned, and Council Member Krejci seconded to close the public hearing at 7:16 pm. Roll call vote Rappl, yes; Krejci, yes; Nagle, yes; Warford, yes; Ideus, yes; and Sweet, yes. Motion carried.

Council Member Rappl motioned, and Council Member Krejci seconded to approve the request for liquor license. Roll call vote Rappl, yes; Krejci, yes; Nagle, yes; Warford, yes; Ideus, yes; and Sweet, yes. Motion carried.

Council Member Krejci motioned and Council Member Sweet seconded to approve an agreement with JEO Investments to provide for the reimbursement of the costs to complete a traffic study for an area located east of Hwy 77/92 from 15th Street south. Roll call vote Krejci, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Krejci motioned and Council Member Sweet seconded to approve an 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. Roll call vote Krejci, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council discussed the requirements for the introduction of an Ordinance to allow of ATV/UTV and golf cart use within Wahoo city limits. Council Member Warford motioned, and Council Member Ideus seconded to authorize city staff to draft an ordinance to allow for UTV/ATV and golf carts within city limits. Roll call vote Warford, yes; Ideus, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Sweet, yes. Motion carried.

Council Member Warford motioned, and Council Member Krejci seconded to approve a special designated liquor license for Karen's Spirits for 3/31/23. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Sweet, yes; Rappl, yes; and Nagle, yes. Motion carried.

Ordinance No. 2428 was introduced by Council Member Warford entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL 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

Council Member Warford moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Sweet seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll, and the following was the vote on the motion to suspend the rules: Roll call vote Warford, yes; Sweet, yes; Ideus, yes; Krejci, yes; Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2428 may be moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2428 be approved and passed and its title agreed to. Council Member Sweet seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Warford, yes; Sweet, yes; Ideus, yes; Krejci, yes; Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2418 was introduced by Council Member Krejci entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, AND ORDINANCE NO. 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.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2418 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2419 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2419 was introduced by Council Member Krejci entitled: an Ordinance relating to proposed budget statements; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2419 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2419 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and

distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2420 was introduced by Council Member Krejci entitled: 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.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2420 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2420 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2421 was introduced by Council Member Krejci entitled: 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.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2421 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2421 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the

vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2422 was introduced by Council Member Krejci entitled: 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.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2422 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2422 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2423 was introduced by Council Member Krejci entitled: an Ordinance relating to property tax levies; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the

Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2423 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2423 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2424 was introduced by Council Member Krejci entitled: an Ordinance relating to minutes; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2424 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2424 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2425 was introduced by Council Member Krejci entitled: an Ordinance relating to special elections; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2425 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2425 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2426 was introduced by Council Member Krejci entitled: an Ordinance relating to recall procedure; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2426 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2426 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and

distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2427 was introduced by Council Member Krejci entitled: 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.

Council Member Krejci moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, and then moved for final passage at the same meeting. Council Member Warford 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; Warford, yes; Ideus, yes; Sweet, yes; Rappl, yes; and Nagle, absent and not voting. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2427 may be moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2427 be approved and passed and its title agreed to. Council Member Warford seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes; Rappl, yes; and Nagle, absent and not voting. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature thereto. The Mayor ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Council Member Warford motioned, and Council Member Rappl seconded to adjourn the meeting at 8:25pm. Roll call vote Warford, yes; Rappl, yes; Krejci, yes; Nagle, yes; Ideus, yes; and Sweet, yes. Motion carried.

The next meeting is March 14, 2023, at 7:00 pm.

Christina Fasel, City Clerk
Gerald D. Johnson, Mayor

WAHOO PLANNING COMMISSION

Meeting Minutes

March 2, 2023

The Wahoo Planning Commission met in regular session and in accordance with the agenda posted at City Hall, the Post Office, and First Bank of Nebraska with each board member being notified of the agenda prior to the meeting. The meeting was called to order at 7:00 p.m. by Chair Mike Kleffner, and opened with the Pledge of Allegiance. The Chair advised the public of the posted information regarding Nebraska Open Meetings Act and Title VI. The following Board members were present, answering to roll call: Kleffner, Brooks, Pfligler, Pearson, Fick, Baumert, Iversen, and Gabel. Absent: Wilcox. Travis Beavers, Building Inspector/Zoning Administrator, and Jerry Johnson, Mayor, were also present.

The Chair reviewed how the presentations for the meeting will proceed and the order for business. Jayson Iversen was introduced as a new member filling the opening created by Ross Cervený's resignation.

The meeting was declared open for the public hearing at 7:02 p.m. on the Off-Street Parking Amendment. The Chair called for comments either for or against the application from the public, and no comments were presented. No written comments for the record were submitted. Motion by Baumert, seconded by Pearson, to close the public hearing on Off-Street Parking Amendment at 7:02 p.m. Roll call vote: Baumert, yes; Pearson, yes; Brooks, yes; Fick, yes; Gabel, yes; Iversen, yes; Pfligler, yes; Kleffner, yes. Absent and not voting was Wilcox. Motion carried.

Following the public hearing, discussion was held by the members. There was a brief explanation of the history of the ordinance and its previous language, and discussion about "on premise" versus "in general proximity." Motion by Pfligler, seconded by Baumert, to amend the Off-Street Parking Amendment to state "1.5 spaces per 1-bedroom or sleeping unit; 2 spaces per 2-bedroom unit; 2.5 spaces for 3-bedroom unit; additional .5 spaces per bedroom over 3 bedrooms; spaces to be sited on premise of where the sleeping units are located; refer to 7.01.02 if number of stalls cannot be met on premise" and to recommend approval of the Amendment. Roll call vote: Pfligler, yes; Baumert, yes; Pearson, yes; Brooks, yes; Fick, yes; Gabel, yes; Iversen, yes; Kleffner, yes. Absent and not voting was Wilcox. Motion carried.

Beavers reported his monthly report was not yet complete. He also provided the following updates on current and upcoming projects:

- A third building permit for the North Highlands development was granted. Oncenter Construction purchased 21 lots, including all of the townhomes and villas. Don Johnson Homes purchased 8 lots, while other lots were sold to individuals.
- Beavers continues to review the plan set for Wahoo Public High School addition. They are wanting to start grading in mid-March.

- Another permit was granted for the Ludvik subdivision.
- JEO is moving forward with demolishing the structures near the Casey's location by the bypass. They will burn the remaining structures this weekend. A traffic study will be conducted for future development.

Miscellaneous and correspondence:

- Discussion was held regarding curb and gutter requirements for 1-acre lots as well as street surfacing. The pros and cons for curbing versus no curbing regarding storm water runoff was also discussed. There was a lengthy discussion regarding low impact developments, storm water drainage, development at the expressway, utility access, and 1-acre lots versus 3-acre lots. The members agreed that curb and guttering should remain as a requirement for any development with lots under 3 acres.
- Brooks and Pearson stated they are planning on attending the NPZA conference.

There were no corrections to the February 2, 2023 minutes. Motion was made by Baumert, seconded by Pearson, to approve the minutes from the February 2, 2023 meeting. Roll call vote: Baumert, yes; Pearson, yes; Brooks, yes; Gabel, yes; Fick, yes; Pfligler, yes; Iversen, yes; Kleffner, yes. Absent and not voting was Wilcox. Motion passed.

Meeting was adjourned at 7:30 p.m.

Approved:

Sally Klein, Office Assistant
City of Wahoo

Nebraska Auditor of Public Accounts

Accountability, Integrity, Reliability

Mike Foley



(<http://auditors.nebraska.gov/>)

Electronic Submission Confirmation

Thank you for your submission. Your filing will be reviewed and the subdivision contacted with any issues. We ask that you do not also submit a paper copy of this filing. If you filed an Audit Waiver Request you will receive a formal written approval or denial of your request.

Submitted

2/24/2023 14:15:59

Name

Melissa Harrell

Agency

Wahoo

Email

harrell@wahoo.ne.us (<mailto:harrell@wahoo.ne.us>)

Type Of Filing

Original Filing

Reference Id

20230224141557

Budget Year Submitted

2022

Nebraska Auditor of Public Accounts (<https://auditors.nebraska.gov/>)

State Capitol, Suite 2303

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Lincoln, NE 68509-8917

Phone: (402) 471-2111

Fax: (402) 471-3301

Email: ✉ mike.foley@nebraska.gov (<mailto:mike.foley@nebraska.gov>)

✉ **Anonymously Report Fraud, Waste, and Abuse** (https://auditors.nebraska.gov/SAE_E-Mail.html)

Nebraska.gov

Contact Us: Support (<https://www.nebraska.gov/contact-us.html>)

1.1.20

Security, Accessibility, and Privacy Policies (<http://www.nebraska.gov/policies.html>)

Good Life Boutique

ORDINANCE NO. 24xx

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO GRANT A CONDITIONAL USE PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT:

LOTS 5-8 & W 4.84' LOTS 4 & 9 BLOCK 152 COUNTY ADDITION
TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA
(SUITE 4 ONLY)

BY ALLOWING FOR THE OBTENTION OF A CLASS I LIQUOR LICENSE, 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, High Velocity LLC, is the owner of the following described real estate, to wit:

LOTS 5-8 & W 4.84' LOTS 4 & 9 BLOCK 152 COUNTY ADDITION
TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA

commonly known as 450 N Chestnut Street STE 4, 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 along with Ordinance No. 2372, ARTICLE 5 ZONING DISTRICTS, Section 5.12 C-1 Downtown Commercial District, Section 5.12.03 PERMITTED CONDITIONAL USES does allow the sale of alcohol, subject to obtaining a Class- I Liquor License as outlined in Municipal Code, and

WHEREAS, High Velocity LLC, requested, in writing, that the Mayor and Council of the City of Wahoo, Nebraska, grant a conditional use permit to allow upon the above-described real estate, as a Permitted Conditional Use, a Class I liquor license, 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 following-described real estate, to wit:

LOTS 5-8 & W 4.84' LOTS 4 & 9 BLOCK 152 COUNTY ADDITION
TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA,

commonly known as 450 N Chestnut Street, SUITE 4 ONLY, to allow as a Permitted Conditional Use to obtaining a Class I Liquor License as outlined in Municipal Code, subject to the following:

- a. a stated limitation as to the hours of liquor sales without express prior written approval from either the City Administrator or Police Chief;
- b. proof of liability insurance relating to the sale of liquor on the premises;
- c. This Conditional Use Permit is subject to review in twelve (12) months, on or about March 14nd, 2024 at which time the council may terminate, extend and/or modify the permit.

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 aforementioned, 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 14th day of March 2023.

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Its Mayor

ATTEST: _____
Christina Fasel, City Clerk
(SEAL)

Olsson Contract Amendment



LETTER AGREEMENT AMENDMENT #1

Date: March 6, 2023

This AMENDMENT ("Amendment") shall amend and become a part of the Letter Agreement for Professional Services dated March 8, 2022, between City of Wahoo ("Client") and Olsson, Inc. ("Olsson") providing for professional services for the following Project (the "Agreement"):

PROJECT DESCRIPTION AND LOCATION

Project is located at: Wahoo, Nebraska

Project Description: Bank stabilization and trail reconstruction

SCOPE OF SERVICES

Client and Olsson hereby agree that Olsson's Scope of Services under the Agreement is amended by adding the services specifically described below for the additional compensation set forth below:

Construction Services

Phase	Description	Fee Type	Fee
100	Project and Construction Management	T&M	\$1,500.00
200	Construction Inspection and Testing	T&M	\$6,000.00
Total Proposed Time and Expense Fee			\$7,500.00

SCHEDULE FOR OLSSON'S SERVICES

Unless otherwise agreed, Olsson expects to perform its services covered by this Amendment as follows:

Anticipated Start Date: December 1, 2022
Anticipated Completion Date: June 1, 2023

Olsson will endeavor to start its services on the Anticipated Start Date and to complete its services on the Anticipated Completion Date. However, the Anticipated Start Date, the Anticipated Completion Date, and any milestone dates are approximate only, and Olsson reserves the right to adjust its schedule and any or all of those dates at its sole discretion, for

any reason, including, but not limited to, delays caused by Client or delays caused by third parties.

COMPENSATION

For the additional Scope of Services specifically set forth in this Amendment, Client shall pay Olsson the following fee in addition to the fee(s) set forth in the Agreement:

Client shall pay to Olsson for the performance of the Scope of Services and all actual reimbursable expenses in accordance with the Reimbursable Expense Schedule attached to this agreement. Olsson shall submit invoices on a monthly basis, and payment is due within 30 calendar days of invoice date.

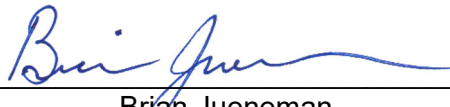
Olsson's Services will be provided on an additional estimated time-and-expense basis of \$7,500.

TERMS AND CONDITIONS OF SERVICE

All provisions of the original Agreement not specifically amended herein shall remain unchanged.

If this Contract Amendment satisfactorily sets forth your understanding of our agreement, please sign in the space provided below. Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of 30 days from the date set forth above, unless changed by us in writing.,

OLSSON, INC.

By 
Brian Jueneman

By 
Nate Hoeckelman

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

CITY OF WAHOO

By _____
Signature

Printed Name _____

Title _____

Dated: _____

ATV/UTV Ordinance

ORDINANCE NO. 24xx

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO APPROVE AN ORDINANCE PERMITTING THE USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF WAHOO UNDER TERMS SPECIFICIED HEREIN; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL IN PAMPHLET FORM, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL NOT BECOME AND BE MADE A PART OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, a number of citizens of the City of Wahoo, Nebraska, have requested the City to adopt regulations allowing the use of All-Terrain, Utility-Type Vehicles within the corporate limits of the City of Wahoo, Nebraska, and,

WHEREAS, Neb. Rev. Stat. § 60-6,356(7) gives cities the authority to adopt ordinances relating to use of All-Terrain and Utility-Type Vehicles, and,

WHEREAS, Title VII: TRAFFIC Code; Chapter 70 GENERAL PROVISIONS; Section 70.03 currently provides a process from which an off-road designed vehicle shall be permitted to operate within the City of Wahoo, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, are willing to permit the use of All-Terrain and Utility-Type Vehicles within the corporate limits of the City of Wahoo, subject to certain conditions as contained herein, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem the adoption of this Ordinance to be in the best interests of the citizens of the City of Wahoo, Nebraska, and,

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

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

2. That Title VII: TRAFFIC Code; Chapter 70 GENERAL PROVISIONS; Section 70.03 shall be amended to read as follows:

(A) ATVs and UTVs; DEFINITIONS

- (1) All-Terrain Vehicle (ATV) is defined pursuant to Neb. Rev. Stat. § 60-103 and means any motorized off-highway vehicle which: (a) is fifty inches (50") or less in width, (b) has a dry weight of twelve hundred (1,200) pounds or less, (c) travels on four (4) or more non-highway tires, and (d) is designed for operator use only with no passengers or is specially designed by the original manufacture for the operator and one (1) passenger. ATVs are declared to be motor vehicles subject to Nebraska Rules of the Road and traffic laws in addition to this Chapter.
- (2) Utility-Type vehicle (UTV) is defined pursuant to Neb. Rev. Stat. § 60-135.01 and means any motorized off-highway device which (a) is seventy-four inches (74") in width or less, (b) is not more than one hundred eighty inches (180"), including the bumper, in length, (c) has a dry weight of two thousand (2,000) pounds or less, and (d) travels on four (4) or more non-highway tires. UTV does not include ATVs, golf car vehicles, or low-speed vehicles as the same are defined by Nebraska law. UTVs are declared to be motor vehicles subject to Nebraska Rules of the Road and traffic laws in addition to this Chapter.

(B) ATVs and UTVs; OPERATION AND EQUIPMENT

An ATV or UTV may be operated upon city streets and highways within the corporate limits of the City only if the operator and vehicle is in compliance with the following provisions in addition to the Nebraska Rules of the Road and City Codes:

- (1) Such ATV or UTV must be registered with City Hall as provided in this Chapter, unless the same is owned by the City itself.
- (2) An ATV or UTV shall not be operated at a speed faster than thirty (30) miles per hour or the posted speed limit, whichever is less. When in operation, the headlights and taillights of the vehicle shall be on.
- (3) Any person operating an ATV or UTV as authorized by this Code shall:
 - a. Have a valid Class O operator's license or a farm permit as provided for in Neb. Rev. Stat. § 60-4,126;
 - b. Have liability insurance coverage for the ATV or UTV while in operation upon a street or highway and provide such insurance proof of coverage upon the demand of any peace officer requesting such proof within five (5) days of such request; such insurance shall be within the limits stated in Neb. Rev. Stat. § 60-509, as amended from time to time;
 - c. Only operate such ATV or UTV between sunrise and sunset.
4. Every ATV and UTV shall be equipped with:
 - a. A braking system maintained in good operating condition;
 - b. An adequate muffler system in good working condition and without a cutout, bypass or similar device, or any modifications to the muffler system which increases the

volume of the noise of the exhaust system. No portion of the system shall be permitted to contact the ground when weighted by its operator;

- c. A United States Forest Service-qualified spark arrester;
- d. Headlights, taillights, and break lights;
- e. A reflective sign must be affixed to the rear of the vehicle; and,
- f. Equipped with a safety flag which extends no less than five (5) feet above the ground and is attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.

(C) ATVs and UTVs; Usage in Parades; Usage on Public Roads, Sidewalks and Trails.

ATVs and UTVs may be operated without complying with this Section only: (1) during parades which have been authorized by the State or any department, board, commission, or political subdivision of the State, (2) if the operator is removing snow from the road or sidewalk within 48 hours after cessation of a snow storm, or (3) on public trails only if engaged by the public entity for snow removal.

(D) ATVs and UTVs; Controlled-Access Highways and Off-Limit Streets.

An ATV or UTV shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes.

Unless engaged by the City for municipal government purposes, it shall be unlawful to operate an ATV or UTV anywhere on. Provided, however, the crossing of said streets shall be permissible subject to the restrictions identified herein.

(E) ATV and UTV; Crossing Highways.

For the purpose of this Article, the crossing of a highway shall be permitted only if:

1. The crossing is made at an angle of approximately ninety degrees (90°) perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;
2. The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;
3. The operator yields the right of way to all traffic which constitutes an immediate or potential hazard;
4. In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and,
5. Both headlights and taillights must be on when crossing is made.

(F) ATV and UTV; Registration.

Only ATVs or UTVs registered with City Hall or owned by the City shall be authorized for operation on streets or highways within the corporate limits of the City. A registration sticker shall be issued by City Hall upon the owner submitting the following:

1. Certification from the Wahoo Police Department stating that the ATV or UTV has been inspected and is in compliance with the equipment requirements identified by City Code.
2. Proof of liability insurance coverage for the vehicle specifically listing the vehicle as referenced by year, make, model, and serial number; and,
3. A one hundred dollar (\$100.00) annual fee for registration of the vehicle.

The registration sticker shall entitle the vehicle to be operated on the streets and highways of the City as provided by Code during the calendar year of issuance. The annual fee will not be prorated and is not transferrable. No refunds shall be allowed for any reason. Registration will expire on December 31 of each year.

A reflecting, self-destructing sticker with an assigned number will be provided to the registering owner upon registration of such vehicle at City Hall. This registration sticker shall be affixed on the vehicle's lower driver's side windshield if equipped, or if the vehicle is not equipped with a windshield then the sticker shall be affixed on the driver's side front of such vehicle. A duplicate sticker at a cost of twenty-five dollars (\$25.00) may be issued by City Hall in the event of a lost or destroyed registration sticker.

(G) ATV and UTV; Dealer Registration.

A dealer of ATVs or UTVs located within the City shall make application to City Hall for a dealer registration sticker, in lieu of registering each ATV and UTV which the dealer owns, to be used solely for the purposes of transporting, testing, demonstrating, or use in the daily use and conduct of business of the dealer.

A dealer registration sticker shall be issued upon the dealer submitting the following:

1. Certification from the dealer stating that ATVs and UTVs to be operated in accordance with the dealer registration sticker comply with the equipment requirements identified by City Code;
2. Proof of liability insurance coverage for the fleet of ATVs and UTVs to be operated pursuant to this Section;
3. A three hundred dollar (\$300.00) annual fee is paid for the dealer registration sticker.

Displaying the dealer registration sticker entitles the vehicle to be operated as provided by City Code on the streets and highways of the City during the calendar year of issuance of the dealer registration sticker for uses described in this Section. The annual fee shall not be prorated and no refunds will be allowed for any reason. A dealer registration sticker may be allowed to be placed on a placard or other item so as to allow for its transferability from vehicle to vehicle and shall be displayed upon the vehicle during its operation. A duplicated dealer registration sticker at a cost of twenty-five (\$25.00) may be issued by City Hall in the event of a lost or destroyed dealer registration sticker.

(H) ATV and UTV; Accident; Report Required.

If an accident involving an ATV or UTV results in an injury to any person resulting in the examination or treatment of the injured person by a physician, or results in the death of any

person, then the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699.

(I) **ATV and UTV; Penalty; Impoundment.**

Any person who violates any provision of this Article or violates the provisions defined by Chapter 39 or Chapter 60 of the Revised Statutes of Nebraska while operating an ATV or UTV shall be subject to the penalties under the provisions of Chapter 39 and Chapter 60 of the Revised Statutes of Nebraska and additionally all City-issued registrations for all of the operator's and the owner's ATVs and UTVs shall be revoked as follows:

- 1) For the operator's first offense, the operator shall be fined two hundred dollars (\$200.00);
- 2) For the operator's second offense occurring within two (2) years of the first offense, the operator shall be fined four hundred dollars (\$400.00)
- 3) For the operator's third offense occurring within two (2) years of the first offense, the operator shall be fined four hundred dollars (\$400.00) and all City-issued registrations of both the operator and the owner shall be revoked for a period of two (2) years from the date of offense
- 4) For the operator's fifth offense occurring within five (5) years of the first offense, all City-issued registrations of both the operator and the owner shall be revoked for a period of ten (10) years from the date of offense

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, to include, but not be limited to, the filing of a certified copy of this Ordinance with the Saunders County Register of Deeds.

4. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of 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 or parts of Ordinances passed and approved prior to the passage, approval and publication of this Ordinance and in conflict herewith, are hereby repealed.

6. That this Ordinance shall be published within the first fifteen days after its passage and approval, in pamphlet form, and shall be in full force and take effective on the fifteenth day from and after its passage and approval, and publication, as provided herein.

7. That it is the intention of the Council and Mayor of the City of Wahoo, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wahoo Municipal Code of the City of Wahoo, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this ____ day of _____ 2023.

CITY OF WAHOO, NEBRASKA

Construction Administration Wilmer Ridge

March 2, 2023

TO: Mayor & Council
FROM: Melissa Harrell, City Administrator
RE: Construction observation – Wilmer Ridge Subdivision

I know we have had this conversation in various situations, but I need guidance from the Council on this, and I need to have a decision at the Council meeting on March 14, 2023. I should have asked this question sooner, but did not, so am trying to get this to you in advance of the regular packet so you can consider your position on this.

As you know, Wilmer Ridge Subdivision is a development of JEO Investments, which is part of the JEO organization; separate from JEO Consulting Group, but part of the overall organization. With the construction already under contract with K-2 Construction, we need to select a company to do the construction oversight for the City. The purpose of construction oversight is to ensure the City ends up with a quality product that will last the expected useful life. Please note that while JEO Investments would like JEO Consulting Group to do that for this project, they will not object to that going to another company as they are aware of potential political pressures this may cause for the City.

That being said, I would state the following reasons as a summary of staff conversations in support of JEO Consulting Group providing these services:

- The only difference between this project and other City projects that JEO has designed for us is that JEO Investments is the developer. Often JEO Consulting Group has designed a project and overseen the construction of the project. This is not different. Plans were completed according to state requirements and city specifications and observation is to ensure the product constructed meets those specifications. JEO Consulting Group is familiar with what we want as an end product. If we cannot trust them to do satisfactory work on this project, we should be evaluating this for all projects.
- There is little, if any, motivation for JEO Consulting Group to allow poor construction techniques or poor materials testing results to be used. In fact, it would be easy to argue that there may be a push for the higher standards than specified. The only concern staff would have in regard to this is potential change orders that would call for something above and beyond the designed improvements or construction techniques. This could be handled by simply requiring City staff to sign off on ANY deviation to construction from the designs which were approved. Minor changes are often verbally addressed in the field, but that could be changed for this project by simply requiring an approval email returned when there is something that needs to be addressed.
- We have asked, and JEO Consulting Group is willing, to designate specific staff members according to the City's wishes for this project. We have had exceptional experiences with both Tim Fasel and Isacc Kreikemeier in construction observation on past projects and would ask that we have the final say over which staff from JEO is on this project.
- This is a new construction project and thus there is little risk or opportunity for cutting corners in construction. Soil sampling was completed prior to the design work, and we have standards for material testing during construction. There are few unknowns. The potential areas for issues during construction include timeline, coordination, construction techniques, and weather.
- City of Wahoo staff members leading the water/wastewater department and street/storm sewer department have knowledge of our standards and expectations of the final product. They are involved in daily communications on projects and have been huge assets to the City during our recent construction projects. They know what they want and are not afraid to speak to that.

However, if the City Council determines it is in the City's best interests to look outside of our relationship with JEO for the construction administration of this project, staff will work to secure an outside company. Preliminary conversations have been held with Olsson to verify capacity and interest in this work. They have done other work for the City so they are familiar with staff, City standards, and City processes.

Please expect a construction admin/observation agreement to be considered at the March 28th meeting as the construction is to start on April 1, 2023.