

# **WAHOO CITY COUNCIL AGENDA**

**Tuesday March 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**

## **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 of the March 14<sup>th</sup> City Council meeting.
3. Acceptance of minutes of the March 14<sup>th</sup> Library Board meeting.
4. Approval of job description for part-time seasonal Library position and pay scale.
5. Approval of Pay application #2 to Gana Construction in the amount of \$225,650.61 for Lake Wanahoo Trail repair.

## **Public hearing and associated action items**

1. Public Hearing Regarding amendment to zoning regulations as recommended by the Planning Commission to increase required parking stalls for multi family residences.

## **Old business**

## **Tabled business**

## **Action items not requiring a public hearing**

1. Approval of second reading of Ordinance No 2429 regarding ATV/UTV's within city limits
2. Approval of Construction Engineering agreement with Olsson and Associates for the Wilmer Ridge Subdivision.
3. Approval of letter of intent between Lincolnshire Investments and the City.

## **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. April 11, 2023 (agenda deadline = 5:00pm April 6, 2023)
2. April 25, 2023 (agenda deadline = 5:00pm April 20, 2023)
3. May 9, 2023 (agenda deadline = 5:00pm May 4, 2023)

# Consent Agenda

**Wahoo Public Library****Wahoo, Nebraska****March 14, 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, and Carl Warford. Council Members absent: Patrick Nagel and Ryan Ideus.

Council Member Warford motioned, and Council Member Krejci seconded to approve the consent agenda which included Acceptance of excused absence of Council Member Nagel and Ideus, approval of minutes from the February 28, 2023, meeting of the City Council, acceptance of minutes from the March 2, 2023, meeting of the planning commission, acceptance of audited financial statement for FY ending 9/30/2022 for the City of Wahoo. Roll call vote: Warford, yes; Krejci, yes; Rappl, yes; Sweet, yes; Ideus, absent and not voting; Nagel, absent and not voting. Motion carried.

Council Member Warford introduced Ordinance No 2429 entitled 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.

Council Member Warford moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Krejci seconded said motion. The Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll, and the following was the vote on the motion to suspend the rules: Warford, yes; Krejci, yes; Rappl, yes; Sweet, yes; Ideus, absent and not voting; Nagel, absent and not voting. Due to a lack of three fourths majority being present for voting Mayor Johnson voted in favor. 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. 2429 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2429 be approved and passed and its title agreed to. Council Member Krejci seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Warford, yes; Krejci, yes; Rappl, yes; Sweet, yes; Ideus, absent and not voting; Nagel, 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 Krejci motioned, and Council Member Rappl seconded to approve an amendment to contract with Olsson for construction administration of Lake Wanahoo Trail repair project, due to additional construction work by Gana Construction. Krejci, yes; Rappl, yes; Sweet, yes; Warford, yes; Ideus, absent and not voting; Nagel, absent and not voting. Motion carried.

Council Member Warford introduced Ordinance No 2430 regarding ATV/UTV usage within city limits. Comments from the public were received in favor of passage of the ordinance. Council discussed including restrictions on the number of passengers allowed, the impoundment of the vehicle after multiple violations and removing language that would allow for drivers to have a farm permit to operate. Council Member Warford motioned, and Council Member Sweet seconded to approve the first reading of said ordinance. Roll call vote: Warford, yes; Sweet, yes; Rappl, yes; Krejci, yes; Ideus, absent and not voting; Nagel, absent and not voting. Motion carried.

Council Member Rappl motioned, and Council Member Warford seconded to direct staff to work with Olsson Associates to prepare a construction administration contract for the Wilmer Ridge subdivision. Roll call vote: Rappl, yes; Warford, yes; Krejci, yes; Sweet, yes; Ideus, absent and not voting; Nagel, absent and not voting. Motion carried.

Warford motioned, Krejci seconded to adjourn the meeting at 8:18pm.

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

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor

The regular monthly meeting of the Wahoo Public Library Board of Trustees took place on Tuesday March 14, 2023 at 7:00 p.m. in Meeting Room B (Former Computer Lab)

Present: Amber Francis, **Kal Lausterer**, **Gene Mercer**, **Teresa Urlacher**, **Jenny Wagner-Kramer** and **Library Director Denise Lawver**.

Guests: No guests, all members present.

**AGENDA:**

- I. **Open Meetings Compliance Law:** addressed and noted, meeting called to order at 7:04 p.m. by President Teresa Urlacher.
- II. **Roll Call, Absences, & Recognition of guests**— no guests, all members present.
- III. **Approval & adjustments to the agenda**—Request by Denise to add item F—Censorship Challenges. Motion by Lausterer, second by Mercer to approve the agenda with addition. **Voting yes to approve:** Lausterer, Mercer, Francis, Urlacher & Wagner-Kramer.
- IV. **Approval of Library Board minutes of February 15, 2023**—Motion by Mercer, Second by Lausterer, to approve the minutes: **Voting yes to approve:** Lausterer, Mercer, and Urlacher. Francis & Wagner-Kramer were absent at February meeting.
- V. **Review of Bills & Budget/Revenue Sheets**—reviewed by library board.
- VI. **Director's Report**—Denise—
- VII. **Old Business:**
  - A. Meeting Room updates—ongoing, countertops & cabinetry should be done soon.
  - B. Library Board CE training opportunities—board discussed & viewed on the Nebraska Library Commission NCompass training site possible ways to view for hours during board meetings.
- VIII. **New Business:**
  - A. Items not on agenda may be added during action of item III.
  - B. Community Service Hours—Court appointed vs. School Service Hours—Denise explained that a change in offering service hours is needed, too much staff time is devoted to making sure the court appointed people do what we want & do it correctly. Going forward we will only take School Service Hours for library assistance.
  - C. Library Board Vacancy's—need to submit 2 names for retiring board members, we can select but Mayor appoints. Board discussed possible candidates for Board, Denise & Gene will contact the suggested names.
  - D. Use of Book Drop after hours—Library Board discussed concerns about the two drops that are side by side & how they are used. We also discussed the danger of the outside drop that comes directly into the library. Denise will talk to Buckmaster Construction for bid to create an enclosed drop. She will also discuss project with Melissa at City as this should be a city funded project as it relates to their building & safety/insurance concerns.
  - E. Renewing Library cards electronically—Teresa asked about adding this option & Denise explained that until the City starts to accept online payments using a debit/credit card we can't renew online as those who owe for a card would rarely come in to pay. We will keep this option open for future.

- F. Censorship Challenges—Denise informed the Library Board to be aware of what is happening in other libraries/communities of challenges due to content. The library has an updated reconsideration form & adheres to the ALA Freedom to Read tenets. Denise also plans to discuss with City officials & City Attorney.
- IX. **Adjournment:** Motion by Francis, Second by Wagner-Kramer; **to adjourn at 8:28 p.m.:**  
**Voting yes: Francis, Wagner-Kramer, Mercer, Lausterer, and Urlacher.**

**Next Regular Meeting:** April 11, 2023 at 7:00 p.m.  
Denise Lawver Recording Secretary



## **LIBRARY AIDE-SUMMER**

*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:** Library Director/Youth Services Coordinator

**SUPERVISE:**

### **SUMMARY DESCRIPTION**

Responsible for a variety of library work to ensure the efficient provision of services to the community. This position requires working with a variety of patrons, provide customer service and help control library behaviors.

### **EXAMPLES OF WORK PERFORMED**

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

Shelves materials using the library classification system through various activities including but not limited to shelving the books by classification order, shelf-reading, straightening books, dusting shelves, replacing book ends where necessary; ensures duties are performed according to established policies and procedures.

Assists with the maintenance of library materials by screening materials for mending and binding problems; repairs materials as needed.

Assists with customer service duties, including but not limited to, directing users to library resources, and assisting patrons with computer use.

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 to successfully perform the assigned duties.*

#### **Knowledge of:**

- Basic library procedures, methods, and techniques.
- Standard reference and bibliographical books and tools.
- Principles of office practices and procedures.

#### **Ability to:**

- Learn the library classification systems and online public access catalog system.
- Perform library and clerical tasks and operate office equipment and computer.
- Work with frequent interruptions and a high degree of public contact.

- Perform duties with thoroughness, accuracy and attention to detail.
- Understand and follow oral and written instructions.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with patrons, other employees and other agencies.

### **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 (i.e., Lake Wanahoo, Saunders County Museum, Civic Center).

**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 frequently 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; 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:** None.

Regular Part-Time/Seasonal Grade E

City of Wahoo Seasonal Part-Time								
Effective 10/01/2022								
SCALE	CODE	1	2	3	4	5	6	COLA
Seasonal Part-Time Grade E	SPT E	\$ 10.53	\$ 10.95	\$ 11.39	\$ 11.84	\$ 12.32	\$ 12.81	\$ 13.39

2023



Progress Estimate



2200 W. Panama Road  
Martell, NE 68404  
794-5000

Project: Wahoo Flood Damage Repairs  
Customer:  
Period From: 1/1/23 To: 1/31/2023

Application No.: 2  
Date: 1/25/23

	CONTRACT				QUANTITY			COMPLETED COST		PERCENT
DESCRIPTION	QTY	Unit	Unit Price	Extension	Current	Previous	Todate	Current	Todate	COMPLETED
<b><u>Chestnut Street Abutment</u></b>										
Mobilization/Demobilization	1	LS	\$2,068.10	\$2,068.10	0	1	1	\$0.00	\$2,068.10	100.0%
Construction Survey	1	LS	\$1,200.00	\$1,200.00	0	1	1	\$0.00	\$1,200.00	100.0%
Traffic Control	1	LS	\$1,000.00	\$1,000.00	0	1	1	\$0.00	\$1,000.00	100.0%
Construction Entrance	1	EA	\$4,602.59	\$4,602.59	0	1	1	\$0.00	\$4,602.59	100.0%
Aggregate Fill	136	CY	\$109.47	\$14,887.92	0	17.334	17.334	\$0.00	\$1,897.55	12.7%
Unclassified Fill	63	CY	\$105.83	\$6,667.29	0	63	63	\$0.00	\$6,667.29	100.0%
Rock Riprap Type C	108	CY	\$126.06	\$13,614.48	0	108.89	108.89	\$0.00	\$13,726.67	100.8%
Permanent Seeding	0.12	AC	\$10,440.00	\$1,252.80	0.12	0	0.12	\$1,252.80	\$1,252.80	100.0%
Silt Fence	255	LF	\$4.00	\$1,020.00	0	163	163	\$0.00	\$652.00	63.9%
				\$0.00			0	\$0.00	\$0.00	#DIV/0!
<b><u>Chestnut Street Guardrail</u></b>				\$0.00			0	\$0.00	\$0.00	#DIV/0!
Construction Survey	1	LS	\$500.00	\$500.00	0	1	1	\$0.00	\$500.00	100.0%
Guardrail Posts	31	EA	\$622.56	\$19,299.36	0	31	31	\$0.00	\$19,299.36	100.0%
Permanent Seeding	0.14	AC	\$10,440.00	\$1,461.60	0.14	0	0.14	\$1,461.60	\$1,461.60	100.0%
<b><u>Lake Wanahoo Trail</u></b>										
Mobilization/Demobilization	1	LS	\$17,115.00	\$17,115.00	0.5		0.5	\$8,557.50	\$8,557.50	50.0%
Construction Survey	1	LS	\$2,000.00	\$2,000.00	0.25		0.25	\$500.00	\$500.00	25.0%
Construction Entrance	1	EA	\$2,782.59	\$2,782.59	1		1	\$2,782.59	\$2,782.59	100.0%
Remove and Reset Wood Fence	100	LF	\$25.40	\$2,540.00	50		50	\$1,270.00	\$1,270.00	50.0%
Salvage Topsoil and Placement	1200	SY	\$4.67	\$5,604.00	600		600	\$2,802.00	\$2,802.00	50.0%
Bank Grading	7075	CY	\$5.76	\$40,752.00	3537.5		3537.5	\$20,376.00	\$20,376.00	50.0%
Limestone Placement (Trail)	480	SY	\$37.48	\$17,990.40	0		0	\$0.00	\$0.00	0.0%
Rock Riprap Type C	2235	TON	\$83.06	\$185,639.10	440		440	\$36,546.40	\$36,546.40	19.7%
Rock Bedding, Filter Layer	1340	TON	\$64.38	\$86,269.20	253.26		253.26	\$16,304.88	\$16,304.88	18.9%
Filter Fabric	2485	SY	\$2.68	\$6,659.80	0		0	\$0.00	\$0.00	0.0%
Permanent Seeding	1.05	AC	\$9,130.00	\$9,586.50	0		0	\$0.00	\$0.00	0.0%
Silt Fence	520	LF	\$4.00	\$2,080.00	0		0	\$0.00	\$0.00	0.0%
Migratory Bird Surveys	1	LS	\$3,780.00	\$3,780.00	0		0	\$0.00	\$0.00	0.0%
<b><u>Extended Bank Construction at Trail Marker 3.4</u></b>							0	\$0.00	\$0.00	#DIV/0!
Salvage Topsoil and Placement	382	SY	\$4.67	\$1,783.94	0		0	\$0.00	\$0.00	0.0%
Bank Grading	2885	CY	\$5.76	\$16,617.60	0		0	\$0.00	\$0.00	0.0%
Rock Riprap Type C	413	TON	\$83.06	\$34,303.78	0		0	\$0.00	\$0.00	0.0%
Rock Bedding, Filter Layer	253	TON	\$64.38	\$16,288.14	0		0	\$0.00	\$0.00	0.0%
Filter Fabric	250	SY	\$2.68	\$670.00	0		0	\$0.00	\$0.00	0.0%
Permanent Seeding	0.1	AC	\$9,130.00	\$913.00	0		0	\$0.00	\$0.00	0.0%
<b><u>Groundwater Stabilization</u></b>							0	\$0.00	\$0.00	#DIV/0!
3" Clean Limestone Base	2500	Ton	\$55.28	\$138,200.00	2500		2500	\$138,200.00	\$138,200.00	100.0%
BX-1200 Geogrid Material	708	SY	\$3.05	\$2,159.40	708		708	\$2,159.40	\$2,159.40	100.0%
C-70NW Geotextile Wrap	1983	SY	\$2.68	\$5,314.44	1983		1983	\$5,314.44	\$5,314.44	100.0%
<b>TOTAL</b>				<b>\$666,623.03</b>				<b>\$237,527.61</b>	<b>\$289,141.18</b>	<b>43.4%</b>

\*\*Please see attached invoice.

Jon Miller

(a)	Gross Amount Earned	\$289,141.18
(b)	Less Retainage 5%	\$14,457.06
(c=a-b)	Net Amount Earned	\$274,684.12
(d)	Less Previous PMTS	-\$49,033.51
(e=c-d)	<b>NET AMOUNT DUE</b>	<b>\$225,650.61</b>

Approved for Pay

Date

03/17/2023

## Gana Construction

	PAY APP 1	PAY APP 2	PAY APP 3
<b><u>Chestnut Street Abutment</u></b>			
Gross Amount Earned	\$ 31,814.86	\$ 33,067.00	\$ -
Less Retainage 5%	\$ (1,590.74)	\$ (1,653.35)	\$ -
Net Amount Earned	\$ 30,224.12	\$ 31,413.65	\$ -
Less Previous Payments	\$ -	\$ 30,224.12	\$ -
NET AMOUNT DUE	<b>\$ 30,224.12</b>	\$ 1,189.53	\$ -
<b>112-01-550.900</b>			
<b><u>Chestnut Street Guardrail</u></b>			
Gross Amount Earned	\$ 19,799.36	\$ 21,260.96	\$ -
Less Retainage 5%	\$ (989.97)	\$ (1,063.05)	\$ -
Net Amount Earned	\$ 18,809.39	\$ 20,197.91	\$ -
Less Previous Payments	\$ -	\$ 18,809.39	\$ -
NET AMOUNT DUE	<b>\$ 18,809.39</b>	\$ 1,388.52	\$ -
<b>103-01-554.680</b>			
<b><u>Lake Wanahoo Trail</u></b>			
Gross Amount Earned	\$ -	\$ 89,139.37	\$ -
Less Retainage 5%	\$ -	\$ (4,456.97)	\$ -
Net Amount Earned	\$ -	\$ 84,682.40	\$ -
Less Previous Payments	\$ -	\$ -	\$ -
NET AMOUNT DUE	\$ -	\$ 84,682.40	\$ -
<b>112-01-550.900</b>			
<b><u>Extended Bank Construction @ TM 3.4</u></b>			
Gross Amount Earned	\$ -	\$ -	\$ -
Less Retainage 5%	\$ -	\$ -	\$ -
Net Amount Earned	\$ -	\$ -	\$ -
Less Previous Payments	\$ -	\$ -	\$ -
NET AMOUNT DUE	\$ -	\$ -	\$ -
<b>112-01-550.900</b>			
<b><u>Ground Water Stabilization</u></b>			
Gross Amount Earned	\$ -	\$ 145,673.85	\$ -
Less Retainage 5%	\$ -	\$ (7,283.69)	\$ -
Net Amount Earned	\$ -	\$ 138,390.16	\$ -
Less Previous Payments	\$ -	\$ -	\$ -
NET AMOUNT DUE	\$ -	\$ 138,390.16	\$ -
<b>112-01-550.900</b>			
<b><u>TOTAL</u></b>			
Gross Amount Earned	\$ 51,614.22	\$ 289,141.18	\$ -
Less Retainage 5%	\$ (2,580.71)	\$ (14,457.06)	\$ -
Net Amount Earned	\$ 49,033.51	\$ 274,684.12	\$ -
Less Previous Payments	\$ -	\$ 49,033.51	\$ -
NET AMOUNT DUE	<b>\$ 49,033.51</b>	<b>\$ 225,650.61</b>	\$ -

# Public Hearing Ordinance regarding parking regulations

ORDINANCE NO. 24xx

AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, KNOWN, AND CITED, AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005, BY THE AMENDMENT OF 7.02.01 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS, TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL, IN PAMPHLET FORM, IN THE CITY OF WAHOO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE 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 BECOME AND BE MADE A PART OF THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AND THAT THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, on January 27, 2005, the Mayor and Council of the City of Wahoo, Nebraska, did adopt Ordinance No. 1886, known and cited as the Zoning Ordinance of the City of Wahoo, Nebraska, and,

WHEREAS, an application for amendment of zoning regulation text has been filed by The Wahoo Planning Commission, who desires to amend the Zoning Regulations, Section 7.02.01 Schedule of Minimum Off-street Parking and Loading Requirements and,

WHEREAS, the Wahoo Planning Commission did hold a public hearing upon said proposed changes and has submitted, in writing, its recommendations to the Mayor and Council of the City of Wahoo, and,

WHEREAS, it is in the best interests of the citizens of the City of Wahoo, Nebraska, that Section 7.02.01 of the Zoning ordinance of the City of Wahoo, Nebraska, be amended as set forth herein,

WHEREAS, notice of said proposed changes was given by publication in the Wahoo Newspaper, a newspaper of general circulation in Wahoo, at least one time ten days prior to the hearing upon said changes,

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

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

2. That Section 7.02.01, shall be amended to add the following language and that sections of said ordinance may be renumbered to accomplish such amendment and addition:

7.02.01 The following table indicates the formulas necessary to calculate the needed parking spaces for a specific use:

Multi-family / Apartments

~~One~~ **One and one half** space per sleeping unit –  
spaces to be sited in the general  
proximity of where the sleeping units  
are located

3. 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.

4. 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.

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

6. That the provisions of this Ordinance shall become and be made a part of the Zoning Ordinance of the City of Wahoo, Nebraska, and that the Sections of this Ordinance may be renumbered to accomplish such intention.

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

CITY OF WAHOO, NEBRASKA

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

ATTEST:

\_\_\_\_\_  
Christina Fasel, Its Clerk

(SEAL)

# ATV/UTV Ordinance

ORDINANCE NO. 2429

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 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.

d. Only have as many riders as the manufacturers intended.

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 operation is removing snow from driveways or sidewalks within 48 hours after cessation of a snow storm, or (3) on public trails and streets 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 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), impoundment of vehicle, 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 offence 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

BY:

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

ATTEST:

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

# Construction Engineering Agreement Wilmer Ridge



## LETTER AGREEMENT FOR PROFESSIONAL SERVICES

March 23, 2023

City of Wahoo  
Attn: Melissa Harrell, City Administrator  
605 North Broadway  
Wahoo, Nebraska 68066

Re: **LETTER AGREEMENT FOR PROFESSIONAL SERVICES**  
Construction Phase Services  
Wilmer Ridge Addition – Public Improvements (the “Project”)

Dear Ms. Harrell:

It is our understanding that City of Wahoo (“Client”) requests Olsson, Inc. (“Olsson”) to perform the services described herein pursuant to the terms of this Letter Agreement for Professional Services, Olsson’s General Provisions and any exhibits attached hereto (all documents constitute and are referred to herein as the “Agreement”) for the Project.

Olsson has acquainted itself with the information provided by Client relative to the Project and based upon such information offers to provide the services described below for the Project. Client warrants that it is either the legal owner of the property to be improved by this Project or that Client is acting as the duly authorized agent of the legal owner of such property. Client acknowledges that it has reviewed the General Provisions and any exhibits attached hereto, which are expressly made a part of and incorporated into the Agreement by this reference. In the event of any conflict or inconsistency between this Letter Agreement, and the General Provisions regarding the services to be performed by Olsson, the terms of the General Provisions shall take precedence.

Olsson shall provide the following services (“Scope of Services”) to Client for the Project: as more specifically described in “Scope of Services” attached hereto). Should Client request work in addition to the Scope of Services, Olsson shall invoice Client for such additional services (Optional Additional Services) at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client’s prior written approval.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

## SCHEDULE FOR OLSSON'S SERVICES

Unless otherwise agreed, Olsson will begin pre-construction services in advance of the anticipated construction start date and complete post construction services upon project completion. Olsson expects to perform inspection and testing services under the Agreement as follows:

Anticipated Start Date:            \_Contractor NTP\_(April 1, 2023)  
Substantial Completion date       \_October 1, 2023\_  
Anticipated Completion Date:     \_Contractor NTP + \_125\_ WD

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.

## PROJECTED HOURLY RATES

Olsson will use the following projected hourly rates and estimated hours in performance of the work described herein.

	Classification	Hourly Rate	Estimated Hours
	Project Manager	\$155.00	66
	Construction Manager	\$115.00	386
	Senior Construction Inspector (RPR)	\$95.00	674
	Construction Inspector	\$75.00	212
	Materials Testing Manager	\$105.00	28
	Total estimated hours		0

## COMPENSATION

Client shall pay to Olsson for the performance of the Scope of Services, the actual time of personnel performing such 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.

Phase	Description	Fee Type	Fee
100	Project and Construction Management	T&E	\$ 40,420.00
200	Construction Inspection and Testing	T&E	\$ 79,770.00
300	Project Closeout	T&E	\$ 13,410.00
400	Reimbursable Expenses	T&E	\$ 12,180.00
Total Proposed Time and Expense Fee			\$ 145,780.00

**Olsson's Scope of Services will be provided on a time and expense basis not to exceed \$145,780.00.**

## TERMS AND CONDITIONS OF SERVICE

We have discussed with you the risks, rewards and benefits of the Project, the Scope of Services, and our fees for such services and the Agreement represents the entire understanding between Client and Olsson with respect to the Project. The Agreement may only be modified in writing signed by both parties.

Client's designated Project Representative shall be \_Melissa Harrell\_.

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

### OLSSON, INC.

By \_\_\_\_\_  
Brian Jueneman

By \_\_\_\_\_  
Nic Menefee

By signing below, you acknowledge that you have full authority to bind Client to the terms of the Agreement. If you accept the terms set forth herein, please sign:

### CITY OF WAHOO

By \_\_\_\_\_  
Signature

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Dated \_\_\_\_\_

#### Attachments

General Provisions

Scope of Services

Reimbursable Expense Schedule



## CONTRACT FOR CONSTRUCTION DESIGN SERVICES

**Owner:** City of Wahoo  
**Engineer:** JEO Consulting  
**Project:** Wilmer Ridge Addition – Public Improvements

### SCOPE OF SERVICES

Olsson will furnish Project Management, Construction Management, On-site Field, and Project Close-Out Services during the construction phase of **Wilmer Ridge Addition – Public Improvements Project(s)**. By performing the services, no authority or responsibility is assumed to supervise, direct, or control the Contractor's work or the Contractor's means, method, techniques, or procedures of construction. Olsson shall not have authority or responsibility for safety precautions and programs incident to the Contractor's work or for any failure of the Contractor to comply with laws, regulations, rules, ordinances, codes or orders applicable to the Contractor furnishing and performing the work. The Contractor shall have sole responsibility for safety and for maintaining safe practices and avoiding unsafe practices or conditions. These services shall in no way relieve the Contractor of complete supervision of the work or the Contractor's obligation for complete compliance with the drawings and specifications. The construction duration is estimated at 125 working days.

#### **Phase 100 – Project and Construction Management**

##### **100.10 General Project Management**

Olsson shall perform the following general project management services:

- Olsson will provide monthly progress reports and invoices, showing percent of work completed for each task to the Client and manage the project budget.

##### **100.20 Construction Administration**

Olsson shall furnish a Construction Administrator to manage and oversee the construction work, develop and maintain project documents and reporting procedures and respond to contract related questions or changes in conditions that may be encountered. Olsson shall perform the following construction administration services:

- Olsson, will prepare agendas, administer, and record minutes of pre-construction meeting and progress meetings as necessary. These meetings may be scheduled prior to the start of work, or as the consultant construction manager deems appropriate during the construction of the project. Progress meetings to be held on a monthly basis and is estimated at 6 meetings for the duration of the project.
- Olsson will review and process the Contractor's monthly payment requests, and forward to the Client for payment.
- Olsson will coordinate the preparation of any change orders that are agreed to by the contract parties. Documentation to support the basis for the claim will be developed, as well as justification for change to the contract price. Olsson will review all change orders to ensure that the Client's interests have been protected in the proceedings, and all change order requests will be discussed with the Client before they are developed in final form.
- Answer contractors' questions and interpret construction documents. Questions and interpretations will be answered with a written Request for Information (RFI) or similar process.
- Olsson will set up and maintain appropriate project files related to the project. Included in the project file shall be all project correspondence, work change directives, change orders,

meeting minutes, request for information, material certifications, test reports and project schedules.

## **Phase 200 – Construction Inspection and Testing**

### **200.10 Construction Observation and Reporting**

Olsson will observe the Contractor's work and perform the services listed below. Olsson shall not have the responsibility for the superintendence of construction site conditions, safety, safe practices or unsafe practices or conditions, operation, equipment, or personnel other than employees of Olsson. This service shall in no way relieve the Contractor of complete supervision of the work or the Contractor's obligation for complete compliance with the drawings and specifications. The Contractor shall have sole responsibility for safety and for maintaining safe practices and avoiding unsafe practices or conditions. The anticipated fee for this task is generated assuming a varied level of part-time and full-time site visits to observe and test utility installations and pavement construction activities.

- Olsson shall conduct site visits to perform field observation of the general progress of the work to assist in determining if the work is proceeding in general accordance with the plans and specifications. All discrepancies will be reported to the Client and Contractor. The anticipated site visits include:
  - Utility installation – Varied-Time observation and material testing for backfill/compaction of trenches for water and sewer utility construction.
  - Pavement construction – Varied-Time observation and material testing for subgrade preparation, paving operations and miscellaneous paving related work.
- Olsson will complete weekly field construction reports with photographs containing a summary of the Contractor's progress, general conditions of the work, problems & resolutions or proposed resolutions and installed quantities.
- Project Documentation: Compile documentation to support the progress of the work, basis of all Requests For Information (RFI), Field Orders, Work Change Directives, and Change Orders.
- Pay Requests: Verify quantities of stored materials and completed work. Prepare and process payment requests based on field verifications of quantities requested by the Contractor.
- Liaison: Serve as Construction Administrators liaison with contractor, working principally through contractor's superintendent and assist Contractors in understanding the intent of the contract documents.
- Review of Work, Rejection of Defective Work, Observations and Tests: Conduct on-site observations of the Work in progress. Report to Construction Administrator whenever Field Observer believes that any work is unsatisfactory, faulty or defective or does not conform to the contract documents, or has been damaged, or does not meet the requirements of any governing agency, test or approval required to be made; and advise Construction Administrator of work that Field Observer believes should be corrected or rejected or should be uncovered for observation, or requires special testing, or approval.
- Modifications: Consider and evaluate Contractor's suggestions for modifications to the Plans and Specifications and report with Field Observer's recommendations to Construction Administrator. Transmit to Contractor decisions as issued by the Construction Administrator.

## **200.20 Materials and Other Testing**

Olsson shall provide materials testing and other testing as required for construction of the new utilities and pavements. This would include concrete testing for new pavement, compaction testing for pavement construction, and compaction testing for trench backfill and backfill at structures. Final quantities and frequency of testing will be dependent on the construction schedule, but the hourly rate and unit prices proposed will remain the same for the duration of the project.

- Utility Backfill: Olsson will obtain samples of backfill material for standard Proctor and Atterberg limits testing. Field moisture-density tests will be performed in backfill placed within segments of the utility trenches. Testing will be performed at a minimum of one test per 150 lf of backfill placed for the storm sewer, sanitary sewer and water main. We have assumed the following number of Proctors and Atterbergs required for testing of soil to be used as backfill:
  - On-site material – ( 4 ) EA Standard Proctors
  - On-site material – ( 4 ) EA Atterberg Limits
- Concrete – Pavement: Olsson will perform concrete sampling; including slump, air entrainment and temperature on composite samples of concrete. Cylinders will be cast from the concrete used in the construction of the structures for compressive strength testing. The following have been assumed:
  - Concrete Pavement – ( 15 ) sets of five test cylinders
- Reporting: Olsson field professionals will prepare typed field reports summarizing each day's field observations, presenting test results, and detailing items not in compliance with the project drawings and/or specifications. Field reports will be reviewed by our Construction Manager and summarized in letters transmitted to the Client and General Contractor. Olsson is not responsible for the Contractor's means or methods and does not have the obligation or authority to stop Contractor's work. Olsson responsibility as special inspector is to report our field observations and test results to the Contractor and Client as provided herein.

## **Phase 300 – Post Construction Services**

### **300.10 Substantial Completion**

Olsson will conduct a walk-through of the project. A "punch list" of deficiencies will be prepared and distributed, which will indicate what is necessary for the Contractor to achieve Final Completion of the project.

### **300.20 Project Closeout / Final Quantities**

Provide written documentation concerning final completion, final quantities and payment to the Contractor and the City, including a list of outstanding items, if any, to be completed prior to the making of such payment.

Olsson will conduct a final walk-through of the project with the Contractor and Owner to determine that all items on the "punch list" were addressed, and that the Contractor has achieved final completion of the project

### **300.40 Record Drawings**

Olsson will prepare record drawings, based on contractors' "red lines" and site observation. This information will be combined and one set of redlined record drawings in PDF format will be provided to the Client at the completion of the project. (Updated electronic CAD files of the record drawings are not included in this scope of work).

### **Exclusions**

#### **Construction Staking**

- Construction staking or construction surveying for the purpose of construction, quality assurance or verification of the proposed improvements is not included in this scope of work.

#### **SWPP**

- The implementation, inspections, documentation or compliance auditing required to meet the requirements of the NPDES permit are not included in this scope of work.

Should Client request work in addition to the Scope of Services, Olsson shall invoice Client for such additional services (Optional Additional Services) at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client's prior written approval.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

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# Letter of Intent

**LETTER OF INTENT  
AS TO  
REDEVELOPMENT AGREEMENT**

This Letter of Intent is intended to summarize the principal terms of the Redevelopment Agreement which the undersigned parties intend to negotiate and finalize relative to the Kennedy College Community Redevelopment Project.

**RECITALS**

1. The City of Wahoo, Nebraska is the fee simple title holder to real property located on Block 2 of Dickinsons Addition to Wahoo, Saunders County, Nebraska (Parcel ID No 006480000) (hereinafter "South Hall").
2. The City of Wahoo, Nebraska is the fee simple title holder to real property located on Block 5 of Dickinsons Addition to Wahoo, Saunders County, Nebraska (Parcel ID No 006482500) (hereinafter "Park").
3. The City of Wahoo, Nebraska, did previously solicit proposals from interested parties for the redevelopment of South Hall and the Park. Attached hereto as Exhibit "A" is a true and authentic copy of the agenda for said meeting which is incorporated herein by reference.
4. The City of Wahoo, Nebraska, did review the proposals as submitted during the public meeting and at the conclusion of that review did authorize city staff to proceed with finalizing the redevelopment agreement with the undersigned developer for the Kennedy College Community Redevelopment Project. Attached hereto as Exhibit "B" is a true and authentic copy of the minutes of the aforementioned city council meeting which is incorporated herein by reference.
5. The City of Wahoo, Nebraska, has received an amended project diagram from the undersigned developer as depicted on Exhibit "C" which is attached hereto and incorporated herein by reference.
6. This letter of intent is intended to be instructive as it pertains to how the parties intend to structure the redevelopment agreement and the rights and responsibilities of the parties relating thereto.

**SECTION ONE. REDEVELOPMENT AGREEMENT TERMS**

The parties have agreed to bifurcate the development into two phases referred to informally here as Phase I and Phase II. Phase I generally involves the City transferring fee simple title to the South Hall to the developer who will thereafter complete the improvements to the South Hall structure and lot within Block 2 as depicted on Exhibit C and put the property to beneficial use. Thereafter, Phase II shall involve the City transferring fee simple title to the Park to the developer who will replat South Hall and the Park into a singular lot with the exception of the public park area which remain City property after the developer completes the requisite improvements. Phase II shall thereafter require the developer to complete the remaining improvements within Block 5 as depicted on Exhibit "C" and put that property to beneficial use. No monies shall be exchanged as between the parties relative to the separate transference of ownership of South Hall and the Park. The City further agrees to work with the developer on a Tax Increment Financing proposal for public infrastructure improvements relating to the two phases of the project.

## SECTION TWO. NONBINDING EFFECT

Each of the Parties to this letter of intent agrees that unless and until a separate binding agreement has been executed and delivered, the Parties have no legal obligation of any kind whatsoever with respect to the above proposal by virtue of this letter or any other written or oral expression with respect to such transactions. This paragraph cannot be waived except by a written instrument signed by each of the parties to this letter of intent which specifically refers to this Section and explicitly makes such waiver. This letter of intent shall be governed by and construed in accordance with the internal laws of the State of Nebraska, without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the State of Nebraska.

DATED this \_\_\_\_ day of March, 2023.

ACCEPTED AND AGREED TO BY:

CITY OF WAHOO, NEBRASKA

\_\_\_\_\_  
Melissa Harrell - City Administrator

LINCOLNSHIRE INVESTMENT, LLC

\_\_\_\_\_  
Michael J. Sullivan IV– Authorized Representative

# **WAHOO CITY COUNCIL AGENDA**

**Tuesday, February 8, 2022 – 7:00 p.m.**

**City Council Chambers, 605 North Broadway St, Wahoo**

NOTICE IS HEREBY GIVEN that the Mayor and Council of the City of Wahoo meet on the second and fourth Tuesdays of each month in the Council Chamber of City Hall at 605 North Broadway, 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 location of 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**

## **Proclamations and Mayor's Announcements:**

## **Reports**

1. Department Head Reports
2. 2021 Annual EMS Report

## **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. Minutes of January 25, 2022 Council Meeting
3. Minutes of January 11, 2022 Library Board Meeting

## **Public Hearings and Associated Action**

(Public hearings are opened by the Mayor. Once open, information on the topic is presented by the requesting party. The Mayor will then call for presentation of public comment. Once public comment is completed, the public hearing is closed by action of the Council. After the hearing is closed, the Council may then discuss the topic but public comment will be limited to those called on by the Mayor.)

## **Old or Tabled Business**

## **Action Items not requiring a public hearing**

1. Wahoo Dog Park Fencing
  - a. Certificate of Substantial Completion as recommended by the engineer
  - b. Pay Application #3 & Final to Elkhorn Fence for \$4,530.50
2. 2021 Intersection and Curb Ramp Improvement Project
  - a. Certification of Substantial Completion as recommended by the engineer
  - b. Change order #2 to adjust final quantities and provide for a contract time extension (deduct of \$84,632.35)
  - c. Pay Application #4 to M.E. Collins Contracting, Inc. for \$21,972.76



3. 2022 Overlay, Intersection, and Curb Ramp Project
  - a. Approve plans and specs and authorize calling for bids
4. Approval of Special Designate License for Karen's Spirits and Smokes for events on March 17 and April 8 at St. Wenceslaus Church Basement, 211 East 2<sup>nd</sup> Street
5. Request by City staff to approve the waiver of separate submittals for preliminary and final plats for a replat of Lots 1-3, Block 117, County Addition to the City of Wahoo to combine lots into one parcel
6. Resolution to authorize the installation of speed limit signs on Chestnut Street
7. Authorization to purchase replacement truck for the Street Department as recommended by the Street Committee and Street Supervisor
8. Annual Keno Report for 10/1/2020 to 9/30/2021
9. Consideration of request for proposals (RFP) for the redevelopment of property owned by the City of Wahoo (Block 2 and Block 5, Dickenson's Subdivision)
10. Kennedy Campus Update – consideration and possible approval of development agreement with People of Destiny Ministries, Inc. OR consideration and approval of enforcement action relating to Lots 1, 2, and 6 of Kennedy College Subdivision

#### **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.)

#### **Mayor's Comments on items for discussion not listed on the agenda**

#### **Council Comments on items not listed on the agenda**

#### **Upcoming Meeting Dates and agenda deadlines (unless special or emergency meeting)**

1. February 22, 2022 (agenda deadline = 5:00 p.m. February 17, 2022)
2. March 8, 2022 (agenda deadline = 5:00 p.m. March 3, 2022)
3. March 22, 2022 (agenda deadline = 5:00 p.m. March 17, 2022)

#### **Adjourn**

*"No person in the United States shall, on the grounds of race, color, national origin, age, disability /handicap or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity provided by the City of Wahoo, whether those programs and activities are federally funded or not. Complaints with regard to this policy must be filed in writing with the City Administrator/Clerk/Treasurer within 180 days of the alleged act of discrimination.*

*To the extent possible, accommodations will be provided for individuals with disabilities, in general, and interpreters, signers and alternate formatted materials will be provided, if requested. To assist in the City providing these accommodations please contact the Title VI 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."*

## REQUEST FOR PROPOSALS

The City of Wahoo is requesting proposals for the redevelopment of the following

Block 2 and Block 5, Dickenson's Subdivision to the City of Wahoo, Saunders County, Nebraska

This property is located at the northeast corner of 12<sup>th</sup> & Locust Streets, and includes approximately 1.4 acres and includes a lighted, concrete basketball court and a 3-story dormitory building (built in 1955) that need to be redeveloped to provide additional residential development to the community.

This property was originally declared blighted and substandard in 2000 which was reconfirmed by action of the Council in 2018 and is eligible for redevelopment.

- BLOCK 2, DICKENSON'S SUBDIVISION: In 2021 the City of Wahoo was able to obtain clear title to the north property through a foreclosure process and court issued title, and this property contains a building that was used as a dormitory building of the former JFK/Kennedy College facility. The last known use of the building was in the mid-1990's when the facility was used briefly as a boys' home for troubled youth. This building is often referenced as the "Camel Center" or "South Hall" or the "Girl's Dorm".
- BLOCK 5, DICKENSON'S SUBDIVISION: The park space, commonly known as "JFK Park", has been owned and operated by the City of Wahoo since 1975. It was developed as a single-court tennis court with perimeter fencing and lighting. In approximately 2010 the tennis court was converted to a basketball court and the fencing was removed.

The declaration of this property as blighted and substandard does make this entire property eligible for the use of tax increment financing to assist in the redevelopment of the property. The City of Wahoo is committed to the redevelopment of these parcels to be productive tax-producing property that serves needs of the community.

This property is currently zoned R-3 Residential, and the City remains committed to this use for the redevelopment of the property. This residential district (R-3) is intended to provide for medium density residential uses and development of residential dwellings. This district allows for the following permitted uses that the City of Wahoo will consider for the redevelopment of the property.

- Single family dwellings,
- Two family dwellings
- Townhouses
- Condominiums
- Multi-family dwellings
- Public parks, playgrounds, buildings, and grounds

While there are other uses that are listed in the City's zoning regulations as either permitted or conditional uses in R-3, it is the City's desire to have this property converted or used to provide needed housing to the community. In addition a portion of the property must be developed as a public recreation amenity that is complementary to the targeted population of the residential development and which will serve a need in the community. Parking for the residential development and the recreation amenity must be considered as well and must meet the City's requirements defined in the City's Zoning Regulations.

Tax increment financing is an attractive development tool that is available to the City of Wahoo for use in projects such as this. There are several eligible expenses that can be covered through TIF, but the City's priorities for the use of TIF for this project are as follows:

- Demolition expenses
- Utility extension or upgrades as needed for the redevelopment (does not include connection fees)
- Development of public recreation amenity and necessary parking required
- Property acquisition
- Landscaping of public rights-of-way

Developers interested in submitting a proposal should provide their name and contact information to the City Administrator, Melissa Harrell, via contact information listed below. Site visits will be scheduled as needed, including access to the interior of the building if desired. Entrance into the building will be limited and safety gear will be required where needed. In addition, existing infrastructure information, property pins, and zoning requirements (setbacks, height limitations, parking, etc.) will be provided as requested.

Proposals for the redevelopment of this project will be received until April 1, 2022 at 5:00 p.m. The City desires to have all proposals reviewed at a public meeting of the City Council which is tentatively scheduled for April 12, 2022 at 7:00 p.m. Proposals will be considered on the following criteria:

- Housing provided - how it fulfills needs of the community, and fits into the neighborhood;
- Recreation amenity provided – how it serves the residents of the proposing housing project as well as needs of the community;
- Experience of the developer;
- Timeline for development
- Amount and term of tax increment financing needed (number of years)

## **KENNEDY CAMPUS – SOUTH HALL (i.e. Camel Center) - 1268 North Locust**

Built: 1955

Square Footage: 3,384 per floor – 3 floors (36 X 94)

Legal Description: Block 2 Dickinson's Addition (28,793 square feet = 0.66 acres)



## **JFK PARK – South of 1268 North Locust, NE Corner of 12<sup>th</sup> & Locust**

Built: Unknown (property acquired by the City of Wahoo in 1975)

Amenities: 60' X 116' concrete slab with lights used for basketball court (formerly a tennis court)

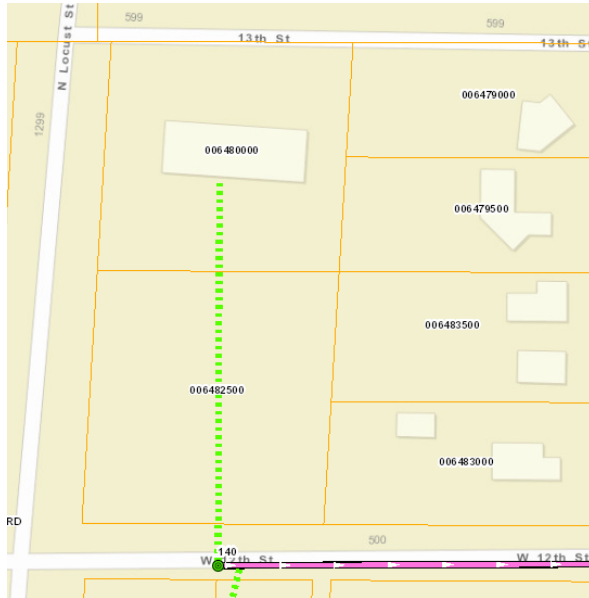
Legal Description: Block 5 Dickinson's Addition (32,632 square feet = 0.75 acres)



**COMBINED LOT SQUARE FOOTAGE = 61,425 square feet = 1.4 acres**

#### UTILITY EVALUATION:

- Electric – Available
- Water – 6" line located along west side of property, 12" main along south side of property
- Natural Gas – 2" line located on west side of Locust Street



#### ZONING

- Property is zoned R-3 Residential.
  - Permitted uses of this include: Single family dwellings; Two family dwellings; Townhouses pursuant to Section 7.22; Condominiums; Multi-family dwellings; Public and private nursery, primary and secondary education structures pursuant to Section 7.19; Public parks, playgrounds, buildings and grounds; Public uses, including but not limited to recreational uses, fire stations, utilities and utility; Distribution systems pursuant to Section 7.20; and Places of worship such as churches, synagogues and temples
  - Conditional Uses of this include: Family Child Care Home II; Medical clinics and Hospitals; Cemeteries, crematories, mausoleums and columbaria; Bed and Breakfast establishments; Clubs, fraternities, lodges, and meeting places of a non-commercial nature; Retirement and/or nursing home, including Skilled Nursing facilities, Nursing facilities, and Intermediate Care facilities; Assisted-Living facilities; Adult Day Services; and Intermediate Care Facilities for the Mentally Retarded (ICF/MR); Funeral homes and mortuaries; Group Care Home, Group Home for Handicapped, Halfway House; Academies, including dance, music, gymnastics, or martial arts, not including uses defined in Adult Establishment; Expansion of nonconforming uses, structures or land

The Council met in regular session in the Wahoo Public Library, 637 N Maple, in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska, and the City of Wahoo website, with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Gerald D. Johnson at 7:00 p.m. and opened with the Pledge of Allegiance. The public was informed of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members present: Ryan Ideus, Karen Boop, Carl Warford, and Stuart Krejci. Council Members Chris Rappl and Patrick Nagle were absent.

The Mayor signed a proclamation declaring May 1<sup>st</sup> through May 7th, 2022, as Municipal Clerk's week in Wahoo.

Motion by Council Member Warford, seconded by Council Member Krejci, to act on the following items: Acceptance of Excused absence of Council Members, approval of minutes of March 22<sup>nd</sup>, 2022 City Council Meeting, Acceptance of Minutes of April 7<sup>th</sup>, 2022 meeting of the Planning Commission, Approval of Appointment of Kal Lausterer and Teresa Urlacher to the Wahoo Public Library Board, terms to expire June 2026, Approval of Pay App #5 to M.E Collins Contracting for North Highlands improvements in the amount of \$30,942.68, Approval of Pay App #1 to M.E Collins Contracting for the 2022 Asphalt Overlay and Street Improvement Project in the amount of \$7,892.83, and Approval of Change Order #1 to the 2022 Asphalt Overlay and Street Improvement Project. Roll call vote: Warford, yes; Krejci, yes; Ideus, yes; Boop, yes; Nagle, and Rappl, absent and not voting. Motion carried

The public hearing regarding the application received from the Nebraska Liquor Control Commission on behalf of Flatwater Spirits to obtain a Class Z liquor license was opened. Graham Rupe, owner of Flatwater Spirits, 1569 Commercial Park Rd, was present to answer questions. Motion by Council Member Krejci, seconded by Council Member Warford to close the public hearing at 7:10pm. Roll call vote: Krejci, yes; Warford, yes; Ideus, yes; Boop, yes. Nagle, and Rappl, absent and not voting. Motion carried.

Motion by Council Member Krejci, seconded by Council Member Ideus to recommend approval of Class Z Liquor License for Flatwater Spirits LLC, 1569 Commercial Park Road, as requested by the Nebraska Liquor Control Commission. Roll call vote Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Nagle, and Rappl, absent and not voting. Motion carried.

Public Hearing regarding the request for an amendment to Ordinance 1886, the Wahoo Zoning Ordinance Section 5.12 C-1 Downtown Commercial zoning district to allow apartments and condominiums on the 1st floor or ground level was opened. Mike Sullivan, Lincolnshire Investment, and Theresa Kline from the Wahoo Chamber of Commerce spoke in favor. Tracy Pfligler, 1523 N Linden, and Travis Beavers, Building Inspector and Zoning administrator explained the concerns that were brought up by the Planning Commission. Motion by Council Member Krejci, seconded by Council Member Warford to close the public hearing at 7:23pm. Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Boop, yes; Nagle, and Rappl, absent and not voting. Motion carried.

**Ordinance No. 2393**, AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, KNOWN, AND CITED, AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005, BY THE AMENDMENT OF SECTION 5.12 C-1 DOWNTOWN COMMERCIAL DISTRICT,

TO ADD APARTMENTS AND CONDOMINIUMS ON THE GROUND FLOOR IN PROPERTIES LOCATED ADJACENT TO NRC, R-1, R-2 AND R-3 ZONING DISTRICTS, EXCLUDING PROPERTIES LOCATED ALONG CHESTNUT STREET AND 5<sup>TH</sup> STREET AS A CONDITIONAL USE, was introduced by Council Member Warford, seconded by Council Member Boop. Roll call vote Warford, yes; Boop, yes; Krejci, yes; Ideus, yes; Nagle, and Rappl, absent and not voting. Motion carried. Council requested that the Ordinance be discussed again at the next Planning Commission meeting with members of the General Committee of the Council present.

Public Hearing regarding the request for an amendment to Ordinance 1886, the Wahoo Zoning Ordinance, to create a Wellhead Protection Overlay District to protect the source water for the City of Wahoo Water System, and to adopt zoning regulations providing for associated regulations in the Wellhead Protection Area was opened. John Mohr, representative from JEO, explained the Wellhead Protection Area and highlighted the enforcement provisions proposed in the overlay district. Motion by Council Member Krejci and seconded by Council Member Ideus to close the public meeting at 7:47pm. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Nagle, and Rappl, absent and not voting. Motion carried.

**Ordinance No 2391**, AN ORDINANCE FOR THE CITY OF WAHOO, NEBRASKA, TO ADOPT THE WELLHEAD PROTECTION PLAN FOR THE CITY OF WAHOO, NEBRASKA, AS PREPARED BY JEO CONSULTING GROUP, INC. FOR THE CITY OF WAHOO; was introduced by Council Member Krejci, seconded by Council Member Boop. Roll call vote: Krejci, yes; Boop, yes; Warford, yes; Ideus, yes; Nagle, and Rappl, absent and not voting. Motion carried.

**Ordinance No 2392**, AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE NO.1886, KNOWN AND CITED AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005, BY THE ADDITION OF SECTION 5.26 WP WELLHEAD PROTECTION OVERLAY DISTRICT; TO PROVIDE FOR AN AMENDMENT TO THE CITY OF WAHOO ZONING MAP REGARDING SAID SECTION was introduced by Council Member Krejci, seconded by Council Member Ideus. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Nagle, and Rappl, absent and not voting. Motion carried.

Motion by Council Member Boop, seconded by Council Member Krejci to approve Resolution No. 2022-06 to amend Attachment 1, General Fund Fees and Charges, to add Occupation tax for a Class Z, Alcoholic Liquor, Micro Distillery, Liquor License, and Attachment 3, Street Fund Fees, to increase fee for Curb Grinding.

“WHEREAS, it is necessary for the staff of the City of Wahoo to provide services, materials and products, permits, and facilities for use by the public, that will be reimbursed by said members of the public, and,

WHEREAS, it is necessary for the Mayor and City Council of the City of Wahoo to establish and adopt, by resolution, a schedule of appropriate fees and charges as are necessary to recover City costs in providing City services, materials, permits, and products,

WHEREAS, it is desirable to maintain a Master Fee Schedule which provides a compilation of fees and charges assessed by the departments of the City of Wahoo, as attached herein,

WHEREAS, the City did, on March 11, 2021 adopt a Master Fee Scheduled, containing Attachments 1 to 9 as follows:

- Attachment 1: General Fund Fees and Charges
- Attachment 2: Police Department Fees and Charges
- Attachment 3: Street Department Fees and Charges
- Attachment 4: Cemetery Fees and Charges
- Attachment 5: Park and Recreation Fees and Charges
- Attachment 6: Rescue Squad Fees and Charges
- Attachment 7: Wahoo Public Library Fees and Charges
- Attachment 8: Building Department Fees and Charges
- Attachment 9: Zoning Department Fees and Charges

WHEREAS, it is necessary to update particular Attachments to adopt changes to said fees and charges, specifically Attachment 1 regarding General Fund Fees and Charges and Attachment 3 regarding Street Department Fees and Charges.

THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wahoo that the following amendments to Attachment 1: General Fund Fees and Charges are hereby adopted and are to be incorporated into the City of Wahoo's Master Fee Resolution, and

BE IT FURTHER RESOLVED that the effective date of this amendment shall be April 26<sup>th</sup>, 2022.

Dated this 26<sup>nd</sup> Day of April 2022.

#### **ATTACHMENT 1 TO MASTER FEE RESOLUTION GENERAL FUND FEES AND CHARGES**

##### **\$10.20 PUBLIC RECORDS**

Photocopies \$.25 per page

For copying records which cannot be reproduced by the City of Wahoo's copying equipment, the actual cost, including staff time, of preparing the records will be charged

##### **\$112.01 OCCUPATION TAXES:**

##### **Liquor License Occupation tax**

Alcoholic Beverages (Based on License Class, except non-profits):

Class A, Beer Only, On Premise Consumption	\$100
Class B, Beer Only, Off Premise Consumption	\$100
Class C, Alcoholic Liquor, On and Off Premise Consumption	\$300
Class D, Alcoholic Liquor, Off Premise Consumption	\$200
Class I, Alcoholic Liquor, On Premise Consumption	\$250
Class Z, Micro Distillery	\$250
Non-Profits	\$50

##### **Liquor License**

Alcoholic Beverages (Based on License Class):

Class A, Beer Only, On Premise Consumption	\$100
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Class B, Beer Only, Off Premise Consumption	\$100
Class C, Alcoholic Liquor, On and Off Premise Consumption	\$300
Class D, Alcoholic Liquor, Off Premise Consumption	\$200
Class I, Alcoholic Liquor, On Premise Consumption	\$250
<u>Class Z, Micro Distillery</u>	<u>\$250</u>

**§110.51 Sidewalk Café permit** \$100.00 per year (May 1 – April 30)

**§113.10 Beer Garden license** \$100.00 per year (May 1 – April 30)

**Contractors**

Electricians, original license, per year	\$40
Renewal License, per year	\$25
HVAC Contractor (mechanical), original license, per year	\$40
Renewal License, per year	\$25
Plumbers, original license, per year	\$40
Renewal License, per year	\$25
Tree Contractor, original license, per year	\$40
Renewal License, per year	\$25

**§110.20 Peddlers, Itinerant Merchants, and Solicitors**

Per day	\$10
Per year	\$100

**§116 Mobile Food Vendors**

Application fee: One year, renewable January 1 of each year	\$100
Renewal of one year permit	\$50
One-day permit	\$50

**Miscellaneous:**

Bowling Alley:	
First two alleys or less, per year	\$25
For each additional alley, per year	\$10
Buses, per year	\$10
Fire Insurance Companies, per year	\$5
Railroad Companies, per year	\$25
Trailer Camps, first 2 lots, per year	\$10
Each additional lot, per year	\$5

**§110.10 Fireworks permit**

Fireworks applications accepted January 1 to April 1		
Application fee (non-refundable)		
If sale location is in NRC, C-1 or C-2 Zoning District		\$50.00
If sale location is in other Zoning District		\$100.00
Cash bond (refunded after cleanup of site)		\$500.00
Occupation tax (per day)		\$60

**§110.01 Tobacco License**

Tobacco licenses	\$10.00 per year (January 1 – December 31)
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**§112.02 Mechanical Amusement Devices**

Pool Tables	per year (January 1 – December 31)
First Table	\$25.00
Second Table	\$15.00
Third Table	\$10.00
Each additional table	\$5.00
Shuffleboards, per table	\$25.00
All other mechanical amusement devices, per machine	\$10.00

**§114.53 Mechanical Amusement Devices**

Mechanical Amusement Devices	\$25.00 per year (May 1 – April 30)
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**114.01 Bingo License**

Bingo License	\$10.00 per year (October 1 – September 30)
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**§112.03 Electric Utility**

Occupation tax for use of public right-of-way	.002 per kilowatt hour
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**§112.06 Natural Gas Utility**

Occupation tax for use of public right-of-way	
Residential, Commercial and Industrial Customers:	
a) \$.025 per CCF from October 1 to March 31	
b) \$.060 per CCF from April 1 to September 30	
City Power Plant Generation	
a) \$.03 per CCF all year	

**§112.04 Lodging Tax**

Occupation tax on charges for lodging	4%
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**§112.26 Telecommunication Tax**

Occupation tax on charges for telecommunications services	5%
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**\$50.12 Solid Waste Haulers permit** \$200.00 per year (March 1 – February 28)  
Occupation tax of 5% of charge for service provided

**\$95.102 Event permit** \$10.00 per event

**\$36.06 Filing fee for elected office** 1% of annual salary  
(no fee for offices with salary less than \$500 per year)

**ATTACHMENT 3 TO MASTER FEE RESOLUTION  
STREET DEPARTMENT FEES AND CHARGES**

**EQUIPMENT AND LABOR CHARGES**

No equipment is available without an employee of the City of Wahoo. The minimum amount of time billed is one hour. Time billed after one hour shall be billed at half hour increments.

<b>EQUIPMENT</b>	<b>RATE PER HOUR</b>	<b>LABOR PER HOUR</b>	<b>TOTAL</b>
Tandem Dump Truck (International or Ford)	\$60.00	\$40.00	\$100.00
Single Axle Dump Truck (Freightliner, International or Chevy)	\$50.00	\$40.00	\$90.00
Tractors (Ford, John Deer, Fermecc)	\$38.00	\$40.00	\$78.00
Loaders (Dresser or Komatsu)	\$70.00	\$40.00	\$110.00
Street Sweeper	\$70.00	\$40.00	\$110.00
Patrol	\$70.00	\$40.00	\$110.00
Mowers	\$35.00	\$40.00	\$75.00
Backhoe	\$70.00	\$40.00	\$110.00
Pickup	\$24.00	\$40.00	\$64.00

**CURB GRINDING**

Curb grinding is available only after review and approval by the Building Inspector/Zoning Administrator and Street Superintendent.

Curb grinding shall be billed at ~~\$10.00~~ \$15.00 per linear foot, with a minimum of \$250.00 per job.”

Roll call vote: Boop, yes; Krejci, yes; Ideus, yes; Warford, yes; Nagle, and Rappl, absent and not voting.  
Motion carried.

Motion by Council Member Krejci and seconded by Council Member Ideus to approve an Interlocal Agreement between the City of Wahoo and the various other municipalities for Mosquito Control. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Nagle, and Rappl, absent and not voting.  
Motion carried.

Ordinance 2390 AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT:

LOTS 1, 2 AND THE EAST HALF OF THE VACATED OAK STREET ADJACENT TO BLOCK 13, ALL IN BLOCK 13, DICKINSON'S SECOND ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, AND LOTS 1 AND 2 BLOCK 1, IN ANDRUS ADDITION OF SUBURBAN LOTS TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA,

WHICH IS CURRENTLY ZONED R-2 RESIDENTIAL DISTRICT, BY ALLOWING THEREON A CONDITIONAL USE, I.E.: ASSISTED LIVING FACILITY. To provide the renewal of a Conditional Use Permit for Liberty House was introduced by Council Member Boop, seconded by Council Member Ideus. Roll call vote: Boop, yes; Ideus, yes; Krejci, yes; Warford, yes; Nagle, and Rappl, absent and not voting. Motion carried.

Motion by Council Member Warford, seconded by Council Member Krejci to approve the waiver of separate submittals for preliminary and final plats for a replat of Lots 10, 11, 12 and the East 84 ½ feet of Lot 13 Block 1, Stocking Second Addition, Wahoo, Saunders County, Nebraska into two lots. Roll call vote: Warford, yes; Krejci, yes; Ideus, yes; Boop, yes. Nagle, and Rappl, absent and not voting. Motion carried.

Motion by Warford, seconded by Krejci to accept the recommendation from the Economic Development Committee of the City Council to select the proposal presented by Lincolnshire Investments for the development of Kennedy Campus South Hall/ Camel Center. Roll call vote: Krejci, yes; Ideus, yes; Warford, yes; Boop, abstain; Nagle, and Rappl, absent and not voting. Motion carried.

Council Member Krejci motioned, and Council Member Ideus seconded to authorize the Mayor to sign the contract for rental of hay ground Known as Wahoo Landfill, awarded to Ken Cejka. Roll call vote: Krejci, yes; Ideus, yes; Boop, yes; Warford, yes; Nagle, and Rappl, absent and not voting. Motion carried.

City Attorney Lausterer provided an update to the Council on the status of a development agreement with the owners of Kennedy Campus East Hall and Gymnasium. Motion by Council Member Warford, seconded by Council Member Krejci to table Action related to Kennedy Campus East Hall and Gymnasium Properties. Roll call vote: Warford, yes; Krejci, yes; Ideus, yes; Boop, yes; Nagle, and Rappl, absent and not voting. Motion carried.

Motion by Council Member Warford, seconded by Council Member Ideus to adjourn at 8:25pm. Roll call vote: Warford, yes; Ideus, yes; Krejci, yes; Boop, yes; Nagle, and Rappl, absent and not voting. Motion carried.

The next regular meeting is May 24<sup>th</sup>, 2022, at 7:00pm at the Wahoo Public Library, 637 North Maple.

Approved: May 10<sup>th</sup> 2022

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Christina Fasel, City Clerk

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Gerald D. Johnson, Mayor

**REPORT TO COUNCIL  
REQUEST FOR PROPOSALS - RECOMMENDATION  
REDEVELOPMENT OF PROPERTY LOCATED AT 12<sup>TH</sup> & LOCUST  
(CAMEL CENTER & BASKETBALL COURTS)  
APRIL 26, 2022**

On Thursday, April 7, 2022, the City of Wahoo received two proposals for the redevelopment of the property where the Camel Center/South Hall currently sits, and the City's property located directly south of the Camel Center currently used as a basketball court. These two proposals were in response to the City's RFP for the redevelopment of that property. Both respondents had the opportunity to briefly present their proposal to the City Council at our meeting on April 12<sup>th</sup>. Following the presentations, the City Council voted to have the Economic Development Committee of the Council do a more in-depth review of the proposals and come forward with a recommendation.

On Thursday, April 14, the Economic Development Committee members (Ryan Ideus, Stuart Krejci, and Carl Warford), along with Mayor Jerry Johnson, Park and Recreation Director Kevin Stuhr, and City Administrator Melissa Harrell had the opportunity to review each proposal in depth with the developer. Each developer was given 30-40 minutes to explain their proposal, answer questions of the committee, and provide an overall summary of their project. The two projects presented were:

Kennedy Square Senior Living Project, by Seneca Creek, LLC (Bill and Eric Hancock)

- Demolish of the existing building
- New construction consisting of a 13-unit condo specifically built for 55 and older residents, like close by property, Colony Condominiums, located at 669 West 15<sup>th</sup> Street
- Recreational amenity of a pickle ball court with additional use of 4 basketball hoops built in

Kennedy College Community Redevelopment, by Lincolnshire (Mike Sullivan)

- Rehab of existing building, converting it to studio and one-bedroom apartments (13 units)
- New construction consisting of several options of single family, duplex, and apartment style/townhome style living, accommodating all ages of residents and family group size (14 units)
- Recreational amenity of a small sports court or a small community park space

Following the more extensive review of both projects, the Committee asked to have both proposals reviewed by the City of Wahoo Zoning Administrator, to identify any significant "red flags" to either project.

On Wednesday, April 20, the Economic Development Committee again met and reviewed each project with the City's Zoning Administrator. Requirements of zoning, including parking requirements, landscaping requirements, percentage of lot coverage, and setbacks were discussed with the Committee members. No significant "red flags" were identified for either project. For either project to move forward, it was agreed there would need to be a greater investment in compliance with the zoning regulations, but it was understood to do this there would need to be an investment of additional time and resources, and likely professional services by the developer.

After conversations among committee members the following is the recommendation that is being presented to the City Council from the Committee. A particularly important item to note is that both developers indicated they had not invested significant funds into their proposal, that the proposals

submitted were conceptual, and that they would prefer not to make further investment unless the City Council had selected their proposal. Based on the conceptual proposals, the Committee is recommending the following:

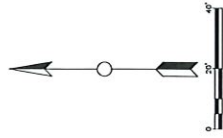
The proposal from Lincolnshire be advanced by the Council, based on the following reasons:

1. This proposal is designed to serve all demographics – with no stipulation on age to be imposed, thus making the additional housing units available to all (primary reason)
2. This proposal is intending to make a large investment in housing stock, ultimately resulting in a larger tax valuation on the final project – nearly twice the other proposal (primary reason)
3. This proposal is intending to re-use the existing building, providing a unique style of housing and preserving a part of the community's history (secondary reason)

Furthermore, the Committee comments that even though they are recommending this proposal advance, there need to be contingencies that if they cannot be met, would change the Committee's recommendation:

1. The developer will need to make an amendment to his conceptual plan that will allow for a fenced full-sized, multifunctional sports court that will be owned and maintained by the City of Wahoo on the south side of the property, along 12<sup>th</sup> Street. If this cannot be achieved, the Council may consider advancing the other proposal received.
2. All zoning regulations, including parking, setback requirements, landscaping, and percentage of lot coverage requirements must be met with no waivers or requests for lessening or softening of requirements. If this cannot be achieved, the Council may consider advancing the other proposal received.
3. If a structural analysis reveals the rehabilitation of the existing building is not cost effective for this proposal, the Council should be notified, and the recommendation should be reviewed.

Once the proposal has been more significantly evaluated and more planning efforts have been committed by the developer, and the specific information need for a tax increment financing application can be presented, the City Council is intending to move forward with steps to have a specific redevelopment contract prepared for the project. If after a more extensive evaluation the developer determines it is no longer financially viable to proceed with the project, the City Council may consider the other proposal received.



General Notes

No.	Revisions/Issue	Date

Free Notes and Entries

**INSINGER  
ENGINEERING**

KENNEDY COLLEGE  
REDEVELOPMENT  
WAHOO, NEBRASKA

SITE CONCEPT

Date 11/28/2022

Scale 1" = 20'

**C100**

Sheet 10