

WAHOO CITY COUNCIL AGENDA

Tuesday April 11, 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

National Library Week

Celebration of the 100th anniversary of the Wahoo Public Library April 23rd at 2pm

Arbor day

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

Police Chief Joe Baudler

Street Superintendent Joe Wynn

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 28, 2023, City Council Meeting.
3. Approval of Receptionist job description and pay scale.
4. Approval of Plumber, Electrician, and Mechanical master licenses.
5. Resolution to provide administrative correction to building permit fee schedule for sign permits.

Public hearing and associated action items

Old business

Tabled business

Action items not requiring a public hearing

1. Approval of 3rd reading of Ordinance no 2429 regarding ATV/UTV's within city limits
2. Approval of 2nd reading and possible waiver of 3rd reading of Ordinance No 2431 regarding amendment to zoning regulations as recommended by the Planning Commission to increase required parking stalls for multi-family residences.
3. Approval of Ordinance No 241xx a Renewal of Liberty House Conditional Use Permit.
4. Approval of the waiver of preliminary platting process and authorization to move onto final platting for Destiny Ministries lot combination application as recommended by staff.
5. Consideration and action regarding parking plan submitted by Destiny Ministries.
6. Waiver of height requirement for fencing for the Wahoo Public Schools bus yard.

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 25, 2023 (agenda deadline = 5:00pm April 20, 2023)
2. May 9, 2023 (agenda deadline = 5:00pm May 4, 2023)
3. May 23, 2023 (agenda deadline = 5:00pm May 18, 2023)

National Library Week 2023 Proclamation

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life;

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships;

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs;

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that I [*name, title of official*] proclaim National Library Week, April 23-29, 2023. During this week, I encourage all residents to visit their library to explore the wealth of resources available.



*** OFFICIAL PROCLAMATION ***

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Gerald Johnson, Mayor of the City of Wahoo, do hereby proclaim Friday, April 28th as **ARBOR DAY** In the City of Wahoo, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS _____ day of _____, _____
Mayor _____

Department Head Reports

APRIL STREET DEPARTMENT REPORT

We made it to spring!

WINTER WEATHER REVIEW

We had 13 weather related events. Overall, we had a good winter, most of our older equipment held up and we didn't have any major breakdowns or accidents. We implemented change control procedures on a few different areas within the city. One of the areas being downtown, I noticed that the wind row of snow piled up causes traffic flow issues. We attempted to adjust to the business traffic and worked on getting the snow hauled off during the overnight and non-business hours. The challenge to this is staffing issues, during a heavy snow event our crews can work anywhere from 8-14 hours plowing and spreading material and then are asked to come back in during the overnight hours to load and haul out snow. Ongoing communication with business owners and prompt snow clean up on their end also makes this transition smoother.

STREET SWEEPING

We have been very productive with street cleanup and sweeping. Every route has been swept at least once already this spring. We will continue to monitor and sweep where needed.

POTHOLES

It was a bad season for potholes with all the melt and re freeze. The moisture gets under the asphalt and freezes which causes the potholes. Crews have been out on a regular basis filling these holes. We have identified and filled the larger ones first and now have gone into designated areas for repair of smaller holes.

LARGER STREET PROJECTS COMPLETED SINCE LAST REPORT

Completed Ditch work removing years of silt and growth along East 1st St. to East C St. by the fairgrounds.

Completed street repair @ 3rd & Sycamore St. Damaged asphalt removed and poured back concrete.

Completed street repair @ 12th & Pine St. Damaged asphalt shoulder removed and poured back concrete.

SOLID WASTE DUMP

I would also like to thank the community for their efforts on keeping our yard waste dump clean and neat. Our staff has spent lots of time keeping it this way and we appreciate your support.

Director's Report
MARCH 2023

Library Open 27 days

Statistics: Door Count: 3110; Reference: 175 ; Internet-in-library: 126; Wi-Fi 68; Kids 119 // Facebook Engagements 925 //Website Traffic: 1620//Study Room—35//Meeting Room Use: 371 //Inter-Library Loan 3 //Library story times 9 w/132 attendees//Outreach visits to schools & daycares—352//146 users had 765 Overdrive downloads-//HOOPLA downloads: 37 users had 141 downloads//News Bank Views 103 Log-ins w/1844 views// Donations: 17 gave 172 items to the library. Items removed: 84 --//Items added: 230

- Denise & Carrie attended Dr. Seuss Breakfast at Wahoo Elementary
- New Furniture for computer stations installed
- Fire Alarm tripped on 3/29, after 9:00 p.m., Denise came to building to open for Fire Dept.; situation assessed & fixed. Tamper switch replaced by Continental Fire on 3/30
- Master keys to the library have been given to City Hall & Wahoo Police Dept.
- Locks on restrooms installed, new closing policy implemented, no major problems

Denise Lawver, Library Director

TOTAL LIBRARY USE & CIRCULATION for MARCH 6121

Wahoo Senior Services Manager's Report March 2023

<u>Informational Programs</u>	<u>Sessions</u>	<u># of participants & usage</u>
Board of Directors Meeting	1	5 participants
<u>Health Programs</u>		
Tai Chi	9	19 participants/153 times
Exercise Room	23	27 participants/266 times
City Meal Program	23	55 participants/638 meals
<u>Recreational Programs</u>		
Birthday Party – Mark Irvin	1	36 participants
10-point pitch	9	23 participants/128 times
Bridge & tournament	4	10 participants/32 times
Pinochle & tournament	9	9 participants/54 times
Bingo Games	4	11 participants/32 times
Bunco	4	12 participants/40 times
Trivia Afternoon	2	11 participants
Art Class	2	4 participants

Other Programs and Services:

- Busy Wheels provided 235 rides (17 days possible)
- 32 volunteers donated 545 hours (Busy Wheel Drivers, Sr. Center vol. & Thrift Store vol.)
- 588 names were signed-in throughout the month (23 days possible)
- There was a Foot Clinic assisting 12 seniors.
- Region V brought in 10 clients three times and watched a movie in our north activity room.
- On Saturday, March 25th, the Wahoo Community Thrift Store held its first annual Fashion Show that was open to the public. It was very well attended with 80+ people for the hour long event.
- Sydney from the NRD delivered a program about the Lake Wanahoo ecosystem. Eight people attended. She will continue to provide monthly educational programs.



March Recreation Report

Youth Programs:

Spring Volleyball League (2nd through 6th Grade)
135 participants

Soccer
444 participants

Afterschool Program
21 participants

Preschool Program
8 participants

Gymnastics – Session #4
20 participants

Adult Programs:

AM Water Aerobics
197 participants

Ai-Chi Water Aerobics
17 participants

Civic Center Classic
36 participants

Women's Volleyball (2nd session)
8 teams

Coed Volleyball (2nd session)
4 teams

Special Events & Rentals:

7 – Meeting Room Rentals
129 participants

1 – After Hours Rental
20 participants

Shootout at the Civic – 3 Pt. Contest
11 participants

Upcoming Programs & Events:

Wahoo Easter Egg Hunt – Saturday, April 8th

Summer Camp – Currently accepting registrations

Lifeguard Training Class – Registration underway

Youth Baseball & Softball – Registration underway

Summer Swim Lessons – Registration begins April 18th



MONTHLY REPORT

for

March, 2023

Building Maintenance

Repair work during the month included replacing a fan switch in the men's locker room, repairing the fan in the fitness room, and replacing several outlets in the Senior Center. Work continued on monitoring and patching the roof leak in the meeting room.

Parks

March kicks off our busiest time of the year as use of outdoor facilities began. Sam Crawford Field and Hackberry Park were both put back together. Water was turned on and restrooms opened at both facilities. Staff painted and prepared four soccer fields and installed the goal sets at the new multi-purpose fields at Hackberry Park in preparation for games that began mid-month. Field prep for high school baseball games began at both Sam Crawford Field and Hackberry Park #5 (reserve team) mid-month. New keypads were installed on several doors at Hackberry for more controlled access. Equipment maintenance and repair also was completed in preparation for the summer season.

Membership Update

Total Civic Center Memberships (as of 3/31/23)	721
Total Civic Center Members (as of 3/31/23)	2,272

Civic Center Usage

Informal "Drop-in" Patrons	5,715
Rec Program Participants	2,400
Total Facility Use	8,115

Daily Average: 262/day

Highest Use Day of Month: 254 informal "drop-in" patrons

Respectfully Submitted By:

Kevin Stuhr
Director

[illegible]

JEO Project Status Report

To: City of Wahoo: Melissa Harrell, City Administrator

Date: April 5, 2023

Prepared By: Steve Parr



JEO #	Project	Funding Source #	Status	JEO Action	City Action	Schedule
141219*Jon Mooberry	Wahoo Elementary SRTS	State/Local	Construction completed. Project closeout in process.	None	None	Project closeout completion in March 2023
150096*Jon Mooberry	Chestnut Street, 1 st Street, 5 th Street and 12 th Street Improvements	Local	Project completed.	None	None	
171859/150096* Jon Mooberry	Chestnut Street Lighting 14 th Street to Highway 77	Local	Project completed.	None	None	
221821* Kevin Kruse	2021 Update to North Study Area Drainage Evaluation	Local	Project completed.	None	None	
980973*Steve Parr	Road Program	State/Local	Update lane mile report	None	None	
191406* Jon Mooberry	2022 Asphalt Overlay and Street Improvements	Local	Project completed	None	None	1-Year Warranty Period expires 9/20/2023
211278* Dave Henke	North Highlands Development	Local	Project completed	None	None	
202154*Dave Henke	Wahoo – Dog Park	Local/donations	Waterers installed but not connected. Shade shelters and other amenities to follow,	None	None	TBD
230029* Eric Casper	Highlands Park Master Plan	Local	Working on Master Plan	None	None	Completion April 28, 2023
222326* Eric Casper	Parks Master Plan	Local	Working on Master Plan	None	None	Completion April 28, 2023

Consent Agenda

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

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

Council Member Krejci motioned, and Council Member Nagel seconded to approve the consent agenda which included acceptance of excused absence of Council member, approval of minutes of the March 14th City Council meeting, acceptance of minutes of the March 14th Library Board meeting, approval of job description for part-time seasonal Library position and pay scale, and approval of Pay application #2 to Gana Construction in the amount of \$225,650.61 for Lake Wanahoo Trail repair. Roll call vote Krejci, yes; Nagle, yes; Warford, yes; Ideus, yes; Rappl, yes; and Sweet, Absent and not voting. Motion carried.

Public Hearing Regarding amendment to zoning regulations as recommended by the Planning Commission to increase required parking stalls for multifamily residences. Was opened at 7:02pm and there were no comments from the public. Council Member Warford motioned, and Council Member Krejci seconded to close the public hearing at 7:04pm. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Nagle, yes; Rappl, yes; and Sweet, absent and not voting. Motion carried.

Council Member Krejci introduced Ordinance No 2431 entitled 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 as recommended by the Planning Commission to increase required parking stalls for multifamily residences.

Council Member Krejci motioned, and Council Member Warford seconded to approve the first reading of Ordinance 2431. Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Nagle, yes; Rappl, yes; and Sweet, absent and not voting. Motion carried.

Krejci motioned and Rappl seconded to approve the second reading of Ordinance No 2429 regarding ATV/UTV's within city limits. Roll call vote Krejci, yes; Rappl, yes; Warford, yes; Ideus, yes; Nagle, yes, and Sweet, absent and not voting. Motion carried.

Warford motioned, Nagel seconded to approve the construction engineering agreement with Olsson Associates for the Wilmer Ridge Subdivision. Roll call vote Warford, yes; Nagle, yes; Krejci, yes; Ideus, yes; Rappl, yes; and Sweet, absent and not voting. Motion carried.

Nagel motioned, Krejci seconded to approve a letter of intent between Lincolnshire Investments and the City. Nagle, yes; Krejci, yes; Rappl, yes; Warford, yes; Ideus, yes; and Sweet, absent and not voting. Motion carried.

Warford motioned, Krejci seconded to adjourn the meeting at 7:23pm.

The next regular meeting is April 11, 2023, at 7:00pm at the Wahoo Public Library, 637 N Maple Street.

Approved:

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor

RECEPTIONIST/SECRETARY

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: Utility Office Manager

SUPERVISE: None

PAY SCALE: UTRE - City of Wahoo Pay Scale – Full & Part Time

APPROVED: April 11, 2023

AUTHORIZED FTE: .75 FTE (30 hours per week)

SUMMARY DESCRIPTION

Responsible for receiving callers in person and answering phone calls for departmental personnel, including responding to questions from the public, referring callers to appropriate sources for assistance and taking messages for staff who are temporarily unavailable. Also responsible for the receipt of monies from customers who enter City Hall.

EXAMPLES OF WORK PERFORMED

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

Receives money and provides accurate documentation of receipt of money for utility bills, payments for merchandise and services billed through accounts receivable.

Answers general questions regarding utility bills and procedures, new services, etc. based on city regulations, utility policies and records.

Receives applications for utility services; takes information from customers regarding final reading dates, final bill addresses; complete meter reading and change-out sheet (monkey sheet).

Assists employees of Utilities Office in day-to-day transactions, customer inquiries and receptionist duties.

Answers the telephone, directs calls to the appropriate personnel, takes accurate messages and/or independently handles inquiries or provides information/assistance.

Greets cheerfully individuals who come to the department, ascertains their needs, directs them to the appropriate sources for assistance and/or independently answer their questions regarding operating procedures, policies, laws and regulations; display a sincere concern for public's needs.

Composes and prepares correspondence, letters, memos, reports and other departmental documents in final format.

Establishes and maintains an accurate file system for official documents, records, reports, forms, correspondence and minutes.

Receives phone calls regarding electrical outages, natural gas leaks, water leaks, sewer backups; determines when emergency procedures must be relayed to the customer on the phone.

Enforces rules and regulations fairly to customers.

Handles all customer information in a professional manner and maintains the confidentiality of all records.

Ensures all mail is delivered to post office for outgoing delivery.

Operates standard office equipment in the performance of job duties, i.e. fax machine, copier, personal computer, calculator, etc.

Performs related duties as required.

QUALIFICATIONS

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

Knowledge of:

- Modern office procedures, methods and equipment.
- General principles and procedures of record keeping and financial reporting.
- English usage, spelling, grammar and punctuation.
- Basic mathematical principles.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Methods and techniques of effective customer service.
- Community resources and agencies available to the general public.
- Pertinent federal, state and local laws, codes and regulations.

Ability to:

- Perform a variety of responsible clerical and activities of a general and specialized nature in support of other staff and programs.
- Utilize a variety of computer programs and software pertaining to the business of the city.
- Plan and organize work to meet changing priorities and deadlines.
- Utilize independent judgement in the performance of duties.
- Enter data at a speed necessary for successful job performance.
- Work with frequent interruptions and a high degree of public contact by phone or in person.
- Establish and maintain records and reports.
- Deal constructively with conflict.
- 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 cheerful effective working relationships with those contacted in the course of work.

City of Wahoo Pay Scale - Full & Part Time (no Seasonal)

Effective 10/01/2022

SCALE (BY JOB TITLE)	CODE	1	2	3	4	5	6	7	8	9
Receptionist	UTRE	\$ 14.20	\$ 14.73	\$ 15.26	\$ 15.79	\$ 16.32	\$ 16.85	\$ 17.38	\$ 17.91	\$ 18.46

Electrician

Schutt Electric
Saunders County Medical Center
Victory Electrical Contractors
GenPro/All Power
Delta Electric
CK Electric
Action Electric

Plumber

Matt's Plumbing
Wellmann Plumbing
Midtown Plumbing
AWS Well Co

Mechanical

Benes Heating and Air
Luxury Comfort Solutions
Controlled Comfort
Wellmann Heating and Air
Air Comfort Heating and Cooling
Prairie Mechanical
Harley's Heating and Air Conditioning Inc
Jerry's Sheet Metal

RESOLUTION NO. 2023-03

CITY OF WAHOO MASTER FEE RESOLUTION

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 8: Building Department Fees and Charges.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wahoo that the following amendments to Attachment 8: Building Department 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 1st, 2023.

PASSED AND APPROVED this ____ Day of April 2023.

Gerald D Johnson, Mayor

ATTEST:

Christina Fasel, City Clerk

[SEAL]

II.

The following fees shall be charged for the specific items and shall be in addition to the Building Permit Fee as set forth in Section I hereof:

A. Moving Building. Before any building is moved, a permit for such removal shall be obtained. The fee for such permit shall be the sum of \$50 except in the case of private garages and small buildings not exceeding 240 sq. ft. of floor area, in which case the fee shall be the sum of \$15.00.

B. Demolish Buildings. Before any building is demolished, a permit to do so shall be obtained and County Assessor's and County Treasurer's offices notified and all taxes are to be paid on said property. The fee for such permit shall be \$30.00 for 240 sq. ft. or less. For buildings over 240 sq. ft., \$30.00 plus \$3.00 for each additional 100 sq. ft. or fraction thereof.

C. Erection of Signs. Before any sign is erected a permit shall be obtained. The City of Wahoo shall charge and collect the following fee:

For signs valued at \$50 - \$500	\$25.00 \$0.00
All over \$500	Use above fee schedule

Mechanical Permit	
Permit issuance fee:	\$25.00
Up to 100,000 BTU	\$20.00
Over 100,000 BTU	\$30.00
Air Conditioner or Heat Pump	\$20.00

Plumbing Permit	
Permit issuance fee:	\$25.00
Sewer or Septic	\$20.00
Water Service or Well	\$20.00
Gas System	\$10.00
Water heater	\$ 7.00
Each fixture	\$ 7.00

Occupancy certificate will not be issued until final State Electrical Inspection is complete.

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, or the following City streets; Chestnut street, 1st Street, 15th Street west of Chestnut, and J Road west of Chestnut.

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 and Chestnut street, 1st Street, 15th Street west of Chestnut, and J Road west of Chestnut.

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

1. The crossing is made at an angle of approximately ninety degrees (90°) perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;

2. The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;
3. The operator yields the right of way to all traffic which constitutes an immediate or potential hazard;
4. In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and,
5. Both headlights and taillights must be on when crossing is made.

(F) ATV and UTV; Registration.

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

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

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

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

(G) ATV and UTV; Dealer Registration.

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

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

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

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

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

If an accident involving an ATV or UTV results in an injury to any person resulting in the examination or treatment of the injured person by a physician, or results in the death of any person, then the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699.

(I) ATV and UTV; Penalty; Impoundment.

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

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

3. That the Mayor and the appropriate department, whether one or more of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Ordinance, to include, but not be limited to, the filing of a certified copy of this Ordinance with the Saunders County Register of Deeds.

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

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

6. That this Ordinance shall be published within the first fifteen days after its passage and approval, in pamphlet form, and shall be in full force and **be effective on June 1, 2023**, 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)

1st reading: March 14, 2023
2nd reading: March 28, 2023
3rd reading:

Parking Regulations Ordinance

ORDINANCE NO. 24xx

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 THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT WHETHER ONE OR MORE OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL, IN PAMPHLET FORM, IN THE CITY OF WAHOO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, 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,

the street address of which is 1145 North Laurel Street, Wahoo, Nebraska 68066, is owned by John L. Pinkerton and Rachel Pinkerton, husband and wife, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, have, pursuant to Ordinance No. 1886, known and cited as the Zoning Ordinance of the City of Wahoo, Nebraska, adopted zoning regulations for the City of Wahoo, Nebraska, and its extra territorial jurisdiction, and,

ORDINANCE NO. 2431

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

1.5 spaces per 1-bedroom or sleeping unit; 2 spaces per 2-bedroom unit; 2.5 spaces for 3-bedroom unit; additional .5 spaces per bedroom over 3 bedrooms; spaces to be sited on premise of where the sleeping units are located; refer to 7.01.02 if number of stalls cannot be met on premise

~~One 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 (15th) 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)

1st Reading: March 28, 2023

2nd Reading: _____

3rd Reading: _____

Liberty House Renewal Ordinance

WHEREAS, the above described real estate lies within the corporate limits of the City of Wahoo, Nebraska, and is currently in the R-2 Residential District of the Zoning Ordinance of the City of Wahoo, Nebraska, and,

WHEREAS, said Zoning District does permit, as a Conditional Use thereon, Assisted Living Facility, as defined in the Zoning Ordinance of the City of Wahoo, Nebraska, and,

WHEREAS, Article 6 of the Zoning Ordinance of the City of Wahoo, Nebraska, sets forth the Standards for the granting of a Conditional Use Permit, and,

WHEREAS, the City of Wahoo did by adoption of Ordinance No. 2071 approve an application filed by the owners of the above real estate for Conditional Use Permit to allow as a Conditional Use upon said real estate an Assisted Living Facility, and,

WHEREAS, Ordinance No. 2153 provided for the permit to be valid for a period to expire on April 30, 2015; Ordinance No. 2186, expiring on April 30, 2016; Ordinance No. 2211, expiring on April 14, 2017; Ordinance No. 2240, expiring on April 30, 2018; and, which was extended by Ordinance No. 2279, expiring on April 30, 2019; and, Ordinance No. 2306, expiring on April 30, 2020; and, which was extended by Ordinance No. 2351, expiring on April 30, 2021; Ordinance 2368 expiring on April 30, 2022; and Ordinance 2390 expiring on April 30, 2023.

WHEREAS, Ordinance No. 2351 also provided for a recommendation by a Monitoring Committee as to the renewal of said Conditional Use Permit; and

WHEREAS, based upon annual report information submitted by public safety officials and the public, regarding issues concerning the Conditional Use Permit, the Mayor has determined there is no need for the Monitoring Committee to hold an additional meeting for the current review; and

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem it in the best interests of the citizens of the City of Wahoo, Nebraska, that the Conditional Use Permit approved by Ordinance No. 2351 be extended subject to terms and conditions as set forth within this Ordinance,

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

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

Section 2. That the Official Zoning Map of the City of Wahoo, Nebraska, be amended, as 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,

the street address of which is 1145 North Laurel Street, Wahoo, Nebraska 68066, to allow as a Conditional Use thereon an Assisted Living Facility, hereinafter called "Facility", subject to the following conditions, to wit:

- a. That no resident in the Facility located upon the above described real estate shall have been:
 - i. Convicted of a felonious offense against a person;
 - ii. Convicted of an offense involving arson;
 - iii. Convicted of a crime listed in Neb. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act of the State of Nebraska;
- b. That the Facility located upon the above described real estate shall be licensed by the State of Nebraska, Department of Health and Human Services System, as an Assisted Living Facility;
- c. That said Conditional Use Permit shall continue to be valid for a period to expire on **April 30, 2024**, subject further to Subsections e. (vii) and f. hereof;
- d. That the Mayor' s Monitoring Committee to be comprised of the following individuals, to wit:
 - (i) The Mayor of the City of Wahoo, Nebraska;
 - (ii) Two (2) Council members of the City Council of the City of Wahoo, Nebraska, preferably, the two (2) Council Members whose Ward includes the above described real estate;
 - (iii) The Chief of Police of the City of Wahoo, Nebraska;
 - (iv) The owner or a representative of the owner of the Facility;
 - (v) One or more individuals representing the owners of real estate adjacent to Facility;

Shall meet on an as needed basis as called by the Mayor of the City of Wahoo, Nebraska, to be held prior to the expiration of the Conditional Use Permit. The Monitoring Committee shall establish its own rules and regulations for its governance.
- e. The purposes of the Monitoring Committee shall be, but shall not be limited to, the following:
 - (i) Review the Conditional Use Permit;
 - (ii) Review State of Nebraska, Department of Health and Human Services Inspection Reports reference Facility;
 - (iii) Review the City of Wahoo, Nebraska's Emergency Unit responses to Facility;
 - (iv) Review 911 emergency calls from/to Facility;
 - (v) Review the Standards for a Conditional Use as set forth in the Zoning Ordinance of the City of Wahoo, Nebraska;
 - (vi) Report to the City Council of the Meetings of the Monitoring Committee;
 - (vii) Present an Annual Report to the City Council prior to the expiration of the Conditional Use Permit (April 30, 2022) which Annual Report shall contain a recommendation to the City Council as to extending the Conditional Use Permit for an additional period of time;

- f. If there is a violation of any of the conditions for the Conditional Use Permit as set forth in subparagraphs a., b., and e. hereof, the Monitoring Committee shall grant to the owner of the Facility a reasonable time in which to correct said violations, but if said violations continue after the owner of the Facility has been given a reasonable length of time, considering the violation, to rectify the violation, the Monitoring Committee shall so inform the City Council of the City of Wahoo, Nebraska, and the City Council may proceed to revoke the Conditional Use Permit and grant the owner of Facility sixty (60) days in which to close the Facility, at which point in time said Conditional Use Permit shall be null and void, or the City Council may determine not to renew the Conditional Use Permit for the Facility.

Section 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.

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

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

Section 6. That this Ordinance shall be published in pamphlet form and shall be in full force and take effect from and after its passage and approval, provided it has been published, as aforementioned, within the first fifteen (15) days after its passage and approval.

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

PASSED AND APPROVED this 11th day of April, 2023.

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, City Clerk

(SEAL)

Parking Plan

- 7.01.10 Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Council, after receiving a report and recommendation from the Planning Commission, based upon comparable uses listed.
- 7.01.11 Required parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not more than 300 feet from the building or use they are required to serve, measured in a straight line from the building.
- 7.01.12 Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side yard or rear yard.
- 7.01.13 A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
1. Delineation of individual parking and loading spaces.
 2. Circulation area necessary to serve spaces.
 3. Access to streets and property to be served.
 4. Curb cuts.
 5. Dimensions, continuity, and substance screening.
 6. Grading, drainage, surfacing and subgrade details.
 7. Delineation of obstacles to parking and circulation in finished parking area.
 8. Specifications as to signs and bumper guards.
 9. Other pertinent details.
- 7.01.14 Design Requirements for parking lots
1. Areas used for standing and maneuvering of vehicles shall be composed of a suitable surface material, to be reviewed and approved by the Planning Commission and City Council.
 2. Said surfacing shall be maintained adequately for all weather use and drained in a manner to avoid the flow of water across sidewalks.
 3. The structural load capacity of the surfacing should be analyzed and designed accordingly. In some instances, thicker or reinforced sections may be desirable.
 4. Artificial lighting, when provided, shall be deflected so the light does not create a shine or glare in any residential district or adjacent residential use.
 5. Access aisles shall be a sufficient width for all vehicles to turn and maneuver.
 6. Except for dwelling units, parking spaces shall be located and served by a driveway that will not require any backing movements or other maneuvering within a street right-of-way other than an alley.
 7. Drainage of all parking lots shall be designed to develop proper site drainage. Proper site drainage is required to dispose of all storm water that is accumulated on the site.
 8. The completion schedule for constructing the parking lot shall be provided to the City as part of the application. The schedule must be reviewed and agreed to by the City prior to construction. Said schedule shall be reasonable for all parties and the completion time shall be followed by the applicant. Variations to the schedule may be granted only in the case of inclement weather delays.
 9. All parking lots within the Transportation Corridor Overlay District are to be surfaced with asphalt and/or concrete and have curbed edging.

Section 7.02 Schedule of Minimum Off-Street Parking and Loading Requirements

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

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments	One space per two persons of licensed capacity	None required
Bowling Alleys	Four spaces per alley plus one per every two employees	One space per establishment
Churches, Synagogues, and Temples	One space per four seats in main worship area	None required
Clubs, including fraternal organizations	One space per 500 s.f. of gross floor area	One space per establishment
College/University	40% of student capacity	Two spaces per structure
Commercial Uses		
Agricultural Sales / Service	One space per 500 s.f. of gross floor area	One per establishment
Automotive Rental / Sales	One space per 500 s.f. of gross floor area	One per establishment
Automotive Servicing	Three spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30% of licensed capacity	Two spaces per establishment
Body Repair	Four spaces per repair stall	None required
Equipment Rental / Sales	One space per 500 s.f. of gross floor area	One Space
Campground	One space per camping unit	None required
Commercial Recreation	One space per four persons of licensed capacity	One per establishment
Communication Services	One space per 500 s.f. of gross floor area	One per establishment
Construction Sales / Service	One space per 500 s.f. of gross floor area	One per establishment
Food Sales (limited)	One space per 300 s.f. of gross floor area	One per establishment
Food Sales (general)	One space per 200 s.f. of gross floor area	Two per establishment
General Retail Sales establishments	One space per 200 s.f. of gross floor area	One per establishment
Laundry Services	One space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	One space per 150 s.f. of gross floor area	One per establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	Two spaces per establishment
Convalescent and Nursing Home Services	One space per three beds plus one per employee on the largest shift	Two space per structure
Day Care	One space per employee plus one space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	Two spaces per classroom	Two spaces per structure
Educational Uses, Secondary facilities	Eight spaces per classroom plus two spaces per employee on largest shift	Two spaces per structure
Funeral Homes and Chapels	Eight spaces per reposeing room	Two spaces per establishment
Group Care Facility	One space per four persons of licensed capacity	Two space per structure
Group Home	One space per four persons of licensed capacity	Two space per structure
Guidance Services	One space per 300 s.f. of gross floor area	None required
Hospitals	One space per two licensed beds	Three spaces per structure
Hotels and Motels	One space per rental unit plus one per employee during the largest shift	One space per establishment
Housing (Congregate)		
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift	One per structure
Duplex	Two spaces per dwelling unit	None required
Multi-family / Apartments	One space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Industrial Uses		
Libraries	One per every employees during the largest shift	Two spaces per establishment
Boarding Houses / Bed and Breakfasts	One space 500 s.f. of gross floor area	One per structure
Medical Clinics	One space per rental units plus one per managing resident	None required
Mobile Home Park	Five spaces per staff doctor, dentist, chiropractor	None required
Offices and Office Buildings	Two per dwelling unit	None required
Residential (Single-family, attached and detached)	One space per 200 s.f. of gross floor area	None required
Roadside stands	Two spaces per dwelling unit	None required
Roadside stands	Four spaces per establishment	None required
Service Oriented Establishments	One space per 200 s.f. of gross floor area	One per establishment
Theaters, Auditoriums, and Places of Assembly	One space per four persons of licensed capacity	One space per establishment
Veterinary Establishments	Three spaces per staff doctor	None required
Wholesaling / Distribution Operations	One space for every employee on the largest shift	Two spaces per establishment

2.03.523 Bicycle Parking Requirements:

Each parking facility proving 50 spaces or more shall provide accommodations for bicycles as follows:

50-100 parking stalls	Five bicycle spaces
100 -150 parking stalls	Eight bicycle spaces
150 – 200 parking stalls	10 bicycle spaces
Over 200 parking stalls	Two additional for each 50 parking stalls

Section 7.03 Off-street Parking: Shared Parking requirements

Notwithstanding the provisions of Section 7.02, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Planning Commission and City Council.

Section 7.04 Off-Street Parking: Parking for Individuals with Disabilities

7.04.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

7.04.02 Except as provided to Section 7.04.02 (1) of this Ordinance, access aisles adjacent to accessible spaces shall be 60 inches (1525 mm) wide minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated "van accessible" as required by Section 7.04.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.04.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

2. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.04.06 of this Ordinance.
3. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.04 of this Ordinance shall be provided in accordance with 7.04.01 of this Ordinance; except as follows:
 4. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
 5. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
 6. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.04.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.04.01, 7.04.02 (1), and 7.04.02 (3) of this Ordinance do not apply to valet parking.
 - a. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
 - i. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - ii. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.
 - b. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.04.02 (1) shall have an additional sign "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.

4. Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
5. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City Council with the recommendation of the City Planning Commission.

7.15.03 Landscaping Requirements:

Landscaping shall be required and provided as follows:

1. Single-family and two-family dwellings shall provide and maintain a minimum of 30 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section except for Plant Material and Maintenance.
2. Street Frontage:
A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.
 - a. The required landscaped area 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
 - b. Exclusive of driveways and sidewalks not more than 25 percent of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
 - c. A minimum of one tree shall be planted for every 40 lineal feet or fraction thereof.
3. Side Yard:
A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the side yard abutting any Residential District.
 - a. Exclusive of driveways and sidewalks, not more than 10 percent of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than 50 percent of the surface shall be inorganic material.
 - b. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.
 - c. A solid wood and/or masonry fence or wall six feet in height may be used in lieu of or in combination with the plant materials required, provided that such fence is at least five feet from the property line.
4. Rear Yard:
A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the rear yard abutting any Residential District.
 - a. The landscape requirements for the rear yard shall be the same as for the side yard described in section 7.15.04 (3)
5. Off-Site Parking Lots:
Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of 4,000 square feet or less shall be exempt from the requirements of this section.

6. Parking Area Interior Landscaping:
Off-street parking lots, as defined in 7.17.04 (5), and other vehicular use areas shall have at least 10 square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four feet in depth per abutting parking space and protected by curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two drive aisles

shall be placed parallel to one another without an intervening planter aisle of at least four feet in width; eight feet is required if parking spaces overlap the curbs of the aisle.

7. Perimeter Landscaping:

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include one tree for each 40 lineal feet or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the Planning Commission and City Council.

8. Plant Materials:

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

a. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.

b. Size. The minimum size of plant materials to be installed shall be as follows:

- (1) Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
- (2) Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
- (3) Evergreen (conifer) trees shall have a minimum height of three feet.
- (4) Deciduous shrubs shall have a minimum height of 18 inches.
- (5) Evergreen shrubs shall have a minimum spread of 18 inches.

9. Planting Schedule:

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of Wahoo equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping.

10. Required Plans:

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of Wahoo for review and approval.

a. Three copies of the plan shall be submitted.

b. The plan shall include, but not be limited to, the following:

- (1) Property lines and other physical features necessary to show the proposed installation of plants.
- (2) The location and spacing of plant materials.
- (3) The scientific name, common name, plant size, quantity and planting method.
- (4) The plan shall have a scale of not more than one-inch equals 100 feet.
- (5) When necessary, existing and proposed contours shall be provided.

7.15.04 Screening Requirements

1. All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.
2. All commercial and industrial uses that abut residential or office districts shall provide screening not less than six feet in height along the abutting property line(s).
3. Screening required by this section shall be equivalent to the following:
 - a. Solid fences or walls as approved by the Planning Commission on the final development plan.
 - b. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
 - c. Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in 7.17.04 (3a) above.
 - d. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid enclosure six-foot in height around each unit. Said enclosure shall be of complementary materials suitable to the Planning Commission.



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10336 Old Mill Rd
Omaha, NE 68154
P: 402.330.8860 www.ta2co.com

Lot 2 Colony
Subdivision

PEOPLE OF
DESTINY
MINISTRY

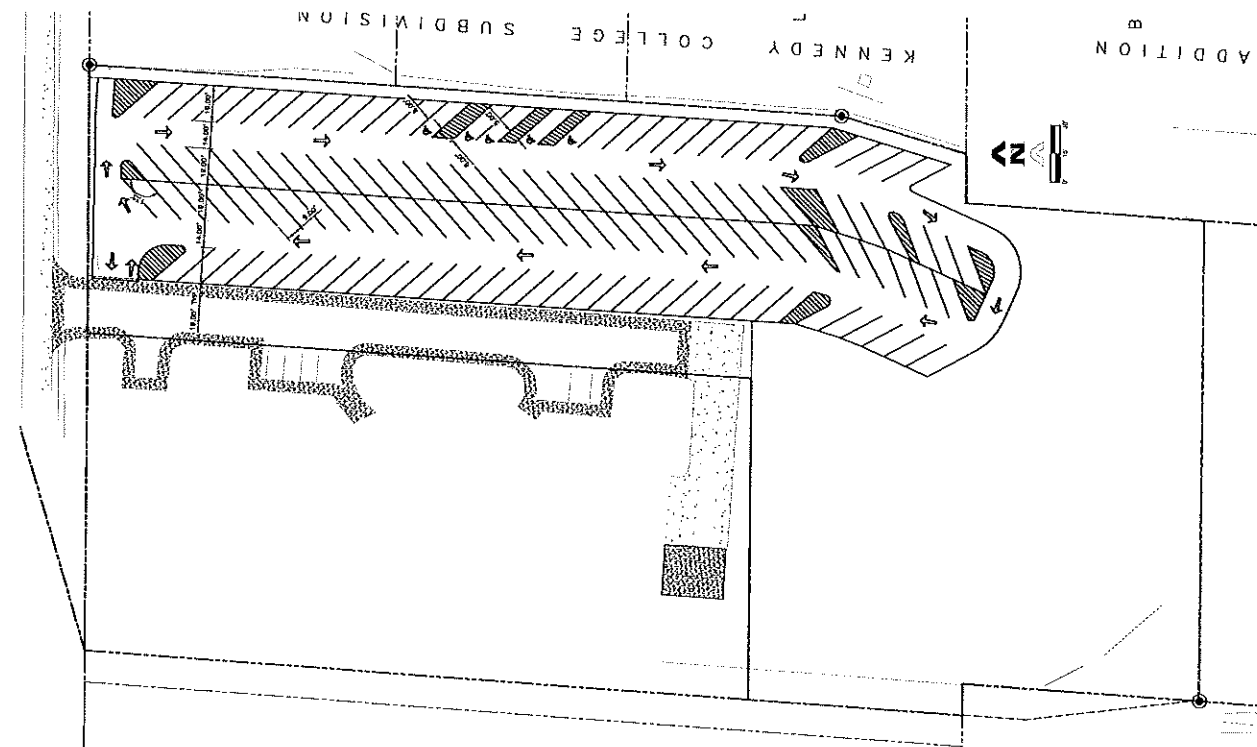
1/1/2010

No.	Description	Material
1	Asphalt	10000
2	Gravel	10000
3	Concrete	10000
4	Reinforcing Steel	10000
5	Curbs	10000
6	Signs	10000
7	Lighting	10000
8	Landscaping	10000
9	Drainage	10000
10	Other	10000

Drawn By: JSD
Reviewed By: JSD
Job No: 2178-100 Date: 03/15/23

Proposed Parking
Layout

C1.0



PAVING NOTES

1. ALL PAVING SHALL BE DONE PRIOR TO CONSTRUCTION THROUGH THE PERMANENT LOT, THE LOT, AND THE LOT.
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10. PAVING SHALL BE DONE PRIOR TO CONSTRUCTION THROUGH THE PERMANENT LOT, THE LOT, AND THE LOT.

CHURCH OF CHRIST
PARKING SHALL BE DONE
AND SHALL BE DONE

NOTE: OWNER TO PROVIDE 8 BENTONITE SPICES FROM BUILDING.

December 13, 2022

RE: People's Destiny Parking Lot Plan

To Whom it May Concern:

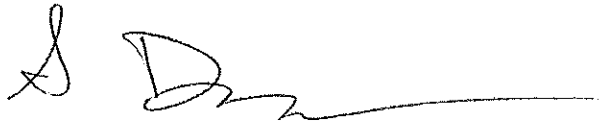
After reviewing the plans for the new parking lot, and the other modifications to the site for the People's Destiny parking lot plan, it was determined that the proposed gravel parking lot would increase the runoff on the site. A drainage study was conducted and the 100-year storm would result in a net runoff of 8,000 additional cubic feet (CF) of stormwater when compared to the previously grassed portion of the site.

After talking with Caroline Rutledge, CEO of CORE Landscape, the company who is designing the parking lot, I advised her that they need to provide 8,000 CF of detention. With the size of the parking lot, 40% void space, and clean rock specified by CORE Landscaping, they can achieve 8,000 CF of detention with a 7 inch thick system. I have been informed by CORE Landscaping that this is what will be constructed. Therefore, in my opinion, there should be no negative detriment to the neighboring property owners from the construction of the parking lot system.

Respectfully Submitted,



Benjamin S Drews, PE



From: Caroline Rutledge

Subject: CORE gravel foundation - People's Destiny parking lot update

Hello Rich,

I have just spoken with Ben re your project requirements. Based on our discussion, it would appear that the most economical and expeditious route to achieve your preferred parking lot surface would be the following:

- Full profile of 7" clear aggregate with 40% voids (base and cell infill)
- Cell infill depth (w/ 10 mm overburden) would equate to 2" and would constitute part of the 7" depth, provided this infill aggregate meets the min. 40% void requirement (so you would require a 5" base layer vs our min recommended of 4" – so a slight difference)
- Infill gravel should be 12-16 mm clear, angular aggregate not of limestone origin – ensuring this infill layer remains clear indefinitely

If the above is provided, this will meet your min 8000 ft³ of storage capacity as recommended by Ben.

I trust the above addresses any questions or concerns sufficiently for your purposes and look forward to speaking with you directly to confirm.

Thank you.

Kindly,

Caroline Rutledge

Ben,

What Caroline has set forth above is what we plan to initiate on this project. If you have any questions feel free to get in touch with me. Rich

CEO



SUSTAINABLE LANDSCAPING SOLUTIONS

Toll-Free: 1.855.777.CORE

Local: 1-250-871-6840

Website: [CORE Landscape Products](http://CORELandscapeProducts.com)

Smart Cities | Green Cities | Sustainable Cities. The path to the future is unpaved.

Waiver of Height Requirements

Travis Beavers

From: Brandon Lavaley <blavaley@wahoowarriors.org>
Sent: Monday, April 3, 2023 4:17 PM
To: Travis Beavers
Subject: Fencing Request

Travis--

Per our phone conversation the afternoon of April 3rd, I am submitting this communication to request a variance to city allowance on fence height.

Wahoo Public Schools is currently adding on to current facilities, which will require the relocation of the bus yard on campus. This is one of the first things that must be accomplished in the construction timeline, so it is sensitive to the rest of the calendar. The request would be to allow for an 8-foot-tall fence to be erected at the new site for our transportation fleet. The rationale for the request is as follows:

- 1) A 6-foot fence does not provide the safety and security of the vehicles from trespassers that an 8-foot structure would allow.
- 2) In addition to deterring trespassers due to height, it also further protects the fleet from direct line of sight of any passers-by.
- 3) Our current bus yard is surrounded by an 8-foot fence, which has provided acceptable safety and security in the past.

I appreciate your consideration in this matter and if you need any other information, please let me know. Thanks!

--

Brandon Lavaley, Superintendent
Wahoo Public Schools
(w): 402.443.3051
(c): 402.870.0215
blavaley@wahoowarriors.org

"Inspiring Our Students to Thrive"