

The Council met in regular session in compliance with agenda posted at City Hall, Post Office and First National Bank with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Mayor Jerry Johnson at 7:00 p.m. and opened with the Pledge of Allegiance. The Mayor informed the public of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members present: Merle Hennings, Mike Lawver, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Janet Jonas.

The Mayor called for items not otherwise listed on the agenda and none were presented.

A motion was made by Jonas, seconded by Krejci, to approve the following items listed on the consent agenda:

1. Excused absence of Jim Svoboda, Council Member, from the June 14 meeting.
2. Approval of the Council minutes of June 14, 2012
3. Accept the Park and Recreation Board minutes of June 13, 2012
5. The following licenses: Jeffery Adair, HandiJeff, Wahoo, plumber, renewal; Ron Voboril, Wahoo, plumber, renewal; Brian Larson, Falcon Heating & Air, Lincoln, mechanical, renewal; Steven Brase, Brase Electrical Contracting Co., Omaha, electrician, renewal; and Jesse M. Dunavan, Power D, Inc., Cedar Bluffs, electrician, renewal.

Roll call vote: Jonas, Krejci, yes; Svoboda, yes; Hennings, yes; Lawver, yes; and Tyler, yes. Motion carried.

The Mayor called for Council Committee reports. Svoboda reported the Chestnut Street project was progressing as expected. The Mayor reported the Liberty House Committee had met and reviewed the information available since the issuance of the conditional use permit. He indicated the Committee would be holding another meeting in August and would be issuing a formal report to the Council with a recommendation regarding the renewal of the conditional use permit. Tyler reported the Board of Public Works had met and were working on policy updates. He also reported the Maple Street Sewer Relief Trunk had been completed and that it was a very successful project.

A presentation was made by members of the St. Wenceslaus Parish regarding proposed improvements to their elementary school and parish buildings. Curt Bromm was present to explain the process the group has been pursuing over the past several years and how they reached the recommendations of the Committee for expansion of the elementary building and the addition of a parish hall. He believed that the addition of the buildings, in the same block as the church and elementary building, would require the closing of Second Street between Linden and Beech Streets. He explained the various properties the Parish had acquired over the past several years. He indicated the groups willingness to work with the City and to address concerns with traffic flow and parking. Mike Weiss was present to discuss the needs of the elementary school and their current lack of space. Duane Osmera was present to speak on the work of the committee and the determination of the primary needs of the Parish being 1) the replacement of portable classrooms, and 2) the addition of a parish hall. Kevin Hittle reviewed the conceptual plans for the building improvements. Father Townsend reviewed the history of the church in its present location, the service of the community's needs through the school, and the desire to continue to have the church located here along with the school facilities. Overall they are looking for a campus that provides a safer environment for the children, and provides updated facilities for the parishioners.

Several Council members commented on the various concerns of the City with the possibility of closing Second Street including: Parking, fire protection, access, setbacks, building coverage of the lots, future

needs for parking at the Civic Center, alley opening and improvements, and utilities. The parish representatives present indicated a willingness to work with the City of Wahoo on this as it is a project that benefits the entire community and is an issue of growth of our community.

A motion was made by Krejci, seconded by Svoboda, to grant permission to construct a building with a variation in setback requirements at 957 North Beech as allowed per Section 4.09 of the City Zoning Regulations. Roll call vote: Krejci, yes; Svoboda, yes; Jonas, yes; Hennings, yes; Lawver, yes; and Tyler, yes. Motion carried.

Phil Lorenzen with D.A. Davidson was present to review his marketing efforts on the bonds authorized at the previous meeting. He asked the Council to consider a resolution to do the following: 1) set the final terms of the bond; 2) authorize a Bond Purchase Agreement, and 3) adopt a tax-exempt financing compliance procedure.

The following resolution, **Resolution No. 2012-08**, was introduced by Council member Lawver, who moved for its approval, seconded by Tyler:

“A RESOLUTION ESTABLISHING THE TERMS OF THE CITY’S GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2012 (THE “BONDS”) PURSUANT TO SECTION 212 OF ORDINANCE NO. 2094 OF THE CITY AUTHORIZING THE ISSUANCE OF THE BONDS; AUTHORIZING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT FOR THE BONDS; AND ADOPTING A TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE WITH RESPECT TO THE CITY’S TAX-EXEMPT AND TAX ADVANTAGED BONDS, INCLUDING BUT NOT LIMITED TO THE BONDS; AND RELATED MATTERS

Section 1. Pursuant to Ordinance No. 2094 (the “Bond Ordinance”), passed and approved June 14, 2012 by the Mayor and Council of the City, the City has authorized the issuance of its General Obligation Highway Allocation Fund Pledge Bonds, Series 2012 (the “Bonds”) in a principal amount not to exceed \$2,125,000. Section 212 of the Bond Ordinance provides that the Mayor and Council shall by resolution specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of the Bond Ordinance, (1) the date of original issue of the Bonds which shall not be later than September 1, 2012, (2) the aggregate principal amount of Bonds to be issued, which shall in no event exceed \$2,125,000, (3) the dates on which the principal of the Bonds shall mature and the principal amount of Bonds to mature on each of such dates, together with any mandatory sinking fund payments with respect to Bonds which are issued are “term bonds,” (4) the date of final maturity of the Bonds, which shall in no event be later than December 31, 2032, (5) the Interest Payment Dates, (6) the date upon which the Bonds shall be sold, (7) the rate or rates of interest to be carried by each maturity of the Bonds such that the true interest cost on the Bonds shall not exceed 3.75%, (8) the provisions governing the redemption of the Bonds prior to maturity, the nature of any notice to be given in the event of any such prior redemption, the redemption price or prices payable upon such redemption (not to exceed 104%) and the respective periods in which each redemption price shall be payable, (9) the sale price of the Bonds which shall not be less than 98.00%, including an underwriting discount not to exceed 1.25%, (10) all of the other terms of the Bonds not otherwise determined or fixed by the provisions of this Ordinance, and (11) the form, content, terms, and provisions of any closing and other documentation executed and delivered by the City in connection with authorization, issuance, sale and delivery of the Bonds.

Section 2. Pursuant to Section 212 of the Bond Ordinance, the Mayor and Council determine the terms of the Bonds as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 3. Pursuant to Section 212 of the Bond Ordinance, the Mayor is hereby authorized to execute the Bond Purchase Agreement in the form attached hereto as Exhibit B.

Section 4. Pursuant to Section 2012 of the Bond Ordinance, the Mayor and Council hereby find and determine that it is necessary, desirable and advisable that the City adopt a Tax-Exempt Financing Compliance Procedure regarding post-issuance compliance for the City's tax-exempt and tax-advantaged bonds, including but not limited to the Bonds, and that the Mayor and Clerk are authorized to execute the Tax-Exempt Financing Compliance Procedure attached hereto as Exhibit C."

Roll call vote: Lawver, yes; Tyler, yes; Jonas, yes; Hennings, yes; Krejci, abstained; and Svoboda, yes. Motion carried.

A motion was made by Svoboda, seconded by Jonas, to approve Change Order #1 to the contract with TAB Construction, for an increase in contract price of \$2,061.63, as presented. Roll call vote: Svoboda, yes; Jonas, yes; Hennings, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Motion carried.

A motion was made by Jonas, seconded by Lawver to approve Pay Application #1 to TAB Construction for the Chestnut Street Project, for \$118,396.02. Roll call vote: Jonas, yes; Lawver, yes; Hennings, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Motion carried.

Two settlement agreements were presented to the Council regarding retirement contributions for two part-time employees – Cindy Henkel and Angela Luben. A motion was made by Jonas, seconded by Lawver, to approve the settlement agreements as presented and authorize signature of the documents. Roll call vote: Jonas, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Hennings, yes. Motion carried.

A motion was made by Svoboda, seconded by Tyler, to enter in to closed session to discuss potential litigation regarding the Lake Wanahoo Interlocal Agreement at 8:25 p.m. Roll call vote: Svoboda, yes; Tyler, yes; Krejci, yes; Jonas, yes; Hennings, yes; and Lawver, yes. Motion carried. The Mayor indicated the Council would be entering in to closed session to discuss potential litigation regarding the Lake Wanahoo Interlocal Agreement.

A motion was made by Svoboda, seconded by Hennings, to return to regular session at 8:29 p.m. Roll call vote: Svoboda, yes; Hennings, yes; Krejci, yes; Jonas, yes; Lawver, yes; and Tyler, yes. Motion carried.

A motion was made by Lawver, to authorize the Mayor to offer, with Saunders County, a joint settlement proposal from the City and County, of \$550,000 to the NRD to resolve all outstanding issues among the three entities with regards to the Lake Wanahoo Interlocal Agreement, seconded by Krejci. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Jonas, yes; Hennings, yes; and Tyler, yes. Motion carried.

The Council convened as the Community Development Agency. Lawver excused himself from the meeting and left the room.

The following resolution, **Resolution No. 2012-09** was introduced by Jonas, who moved for its approval, seconded by Krejci:

"A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA, RECOMMENDING APPROVAL OF A GENERAL REDEVELOPMENT PLAN FOR A REDEVELOPMENT AREA; AND RELATED MATTERS.

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska (the "City"), upon the recommendation of the Planning Commission of the City (the "Planning Commission"), and in compliance with all public notice requirements imposed by Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the "Act"), duly declared the redevelopment area described on Attachment 1 (the "Redevelopment Area") to be blighted and substandard and in need of redevelopment;

WHEREAS, a general redevelopment plan (the "Redevelopment Plan") for the Redevelopment Area has been prepared for and on behalf of the Community Development Agency of the City (the "Authority") in the form attached as Attachment 2 in accordance with Section 18-2111 of the Act;

WHEREAS, the Authority has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described in the Redevelopment Plan are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and communitive facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight; and

WHEREAS, it is necessary, desirable, and advisable, that the Authority recommend the Redevelopment Plan to the Mayor and Council of the City for approval.

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

Section 1. The Authority hereby recommends that the Redevelopment Plan be approved by the Mayor and Council of the City. The Secretary of the Authority is hereby instructed to forward the Redevelopment Plan to the Planning Commission for review. Upon receipt of the written recommendations of the Planning Commission, or, if no such recommendations are received within thirty days of the submission of the Redevelopment Plan to the Planning Commission, then without such recommendations, the Secretary of the Authority is hereby instructed to deliver a copy of this Resolution to the Clerk of the City for review and consideration by the Mayor and Council of the City.

Section 2. All prior resolutions of the Authority in conflict with the terms and provisions of this Resolution are hereby expressly repealed to the extent of such conflicts.

Section 3. This Resolution shall be in full force and effect from and after its passage."

Roll call vote: Jonas, yes; Krejci, yes; Hennings, yes; Tyler, yes; and Svoboda, yes. Lawver, absent and not voting. Motion carried.

The following resolution, **Resolution No. 2012-10**, was introduced by Jonas, who moved for its approval, seconded by Svoboda:

“A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA, RECOMMENDING A SUBSTANTIAL MODIFICATION TO THE GENERAL REDEVELOPMENT PLAN FOR A REDEVELOPMENT AREA; APPROVING CERTAIN REDEVELOPMENT PROJECTS WITHIN A REDEVELOPMENT AREA; APPROVING A COST BENEFIT ANALYSIS FOR SUCH PROJECTS; APPROVING A REDEVELOPMENT CONTRACT; AND APPROVING RELATED MATTERS.

WHEREAS, the Community Development Agency of the City of Wahoo, Nebraska (the “Authority”), in furtherance of the purposes and pursuant to Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the “Act”), has recommended approval of a general redevelopment plan in the form attached as Attachment 1 (the “Redevelopment Plan”), for a redevelopment area of the City of Wahoo, Nebraska (the “City”), described in Attachment 2 (the “Redevelopment Area”);

WHEREAS, pursuant to and in furtherance of the Act, the Authority has caused to be prepared a substantial modification to the Redevelopment Plan in the form attached as Attachment 3 (the “Plan Amendment”), the purpose of which is to authorize certain community redevelopment projects (collectively, the “Project”) within that portion of the Redevelopment Area described in Attachment 4 (“Project Area”);

WHEREAS, pursuant to the Plan Amendment, the Authority or the City would agree to incur indebtedness for the purposes specified in the Plan Amendment, in accordance with and as permitted by the Act;

WHEREAS, the City has previously adopted and has in place a comprehensive plan, which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act; and

WHEREAS, the Authority has made certain findings and pursuant thereto has determined that it is in the best interests of the City to approve the Plan Amendment and to carry out the Project.

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

Section 1. The Authority has determined that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, and in conformance with the general plan of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and communitive facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

Section 2. The Authority has conducted a cost benefit analysis for the Project in accordance with the Act, and has found and hereby finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to

other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the City.

Section 3. The Authority hereby recommends approval of the Plan Amendment, following publication of notice and a public hearing with respect to the Plan Amendment pursuant to the Act.

Section 4. The Chair and Secretary are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out this Resolution.

Section 5. All prior resolutions of the Authority in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 6. This resolution shall be in full force and effect from and after its passage and approval.”

Roll call vote: Jonas, yes; Svoboda, yes; Hennings, yes; Tyler, yes; and Krejci, yes. Lawver, absent and not voting. Motion carried.

The CDA reconvened as the City Council.

A motion was made by Svoboda, seconded by Jonas to adjourn at 8:55 p.m.

Approved: _____.

Melissa M. Harrell, City Clerk

Gerald D. Johnson, Mayor