

The Council met in regular session and in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska with each Council member being notified of agenda prior to the meeting. The meeting was called to order by President of the Council Stuart Krejci at 7:00 p.m. and opened with the Pledge of Allegiance. The President of the Council informed the public of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members present: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Absent: none.

Motion made by Kavan, seconded by Lawver, to approve the following items listed on the consent agenda:

1. Excused absence of the Mayor
2. Minutes of June 22, 2017 meeting of the Mayor and Council
3. Minutes of June 15, 2017 special meeting of Planning Commission
4. Minutes of June 13, 2017 meeting of Library Board of Trustees
5. Licenses: Plumbers: Tracy Nesson, Fud & Tracy's Plumbing, Wahoo; Gilbert Balboa, Midlands Mechanical, Omaha. Mechanical: Phil Ward, Advanced Heating & Air Conditioning, Valley; David Snyder, Fud & Tracy's Plumbing, Wahoo; Rick Kaar, Kaar Sheet Metal, Wahoo. Electrician: Eric Riley, Bryant A/C, Htg, Elec., Lincoln.

Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Svoboda, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Department reports presented. Street and Parks cleaned up recent vandalism at the trail tunnel. EMS/Fire is preparing for the fair and reported recent activity. Beavers reported nuisance abatement and notifications. Harrell reported staff participated in training with a GPS handheld device sponsored by LTAP. An open house on the Chestnut project is set August 3rd 5:30-7:30 p.m. at the Library. League of Municipalities is taking applications of elected officials to serve on their board. Svoboda reported on the Airport Authority meeting.

Lawver reported the Street Committee met and discussed traffic issues at 3rd and Locust Streets.

Public hearing opened at 7:13 p.m. on application for change of zoning filed by Roger and Glenda Harders, on seven parcels, requesting change from Transitional Ag to LLR-Large Lot Residential zoning district, Transitional Ag to C-2 Highway Commercial, and Transitional Ag to C-3 General Commercial. It was noted the Planning Commission recommended approval, with suggested changes. Roger Harders addressed the Council and stated he wanted to amend the application to remove Tract 2 and revise the legal description of Tract 3, and provided amended map and legal descriptions. Lausterer noted rezoning is usually done in conjunction with a subdivision application, which is not being done at this time. No public comments offered. Motion by Dunbar, seconded by Kavan, to close the public hearing at 7:22 p.m. Roll call vote: Dunbar, yes; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Future land use and zoning maps were reviewed and zoning change was discussed.

Ordinance No. 2243 was introduced by Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY CHANGE OF ZONING, FROM TRANSITIONAL AG TO LARGE LOT RESIDENTIAL, OF TRACT 1, A PARCEL IN THE NW ¼ NW ¼ S33-T15N-R7E, CONTAINING 3.01 ACRES MORE OR LESS. The President of the Council then instructed the Clerk to read Ordinance No. 2243 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2243 by title.

Council Member Kavan moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Lawver seconded said motion. The President of the Council put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the President of the Council declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2243 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2243 be approved and passed and its title agreed to. Council Member Dunbar seconded the motion. The President of the Council instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Lawver, yes; Dunbar, yes; Krejci, yes; Kavan, yes; Tyler, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

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

Ordinance No. 2244 was introduced by Dunbar entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY CHANGE OF ZONING, FROM TRANSITIONAL AG TO C-2 COMMERCIAL, OF TRACT 3, A PARCEL IN THE NW $\frac{1}{4}$ AND THE N $\frac{1}{2}$ SW $\frac{1}{4}$ S33-T15N-R7E, CONTAINING 63.04 ACRES MORE OR LESS; OF TRACT 6, CONTAINING 4.18 ACRES MORE OR LESS, AND TRACT 7, CONTAINING 4.55 ACRES MORE OR LESS, BOTH IN THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ AND W 5 ACRES OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ S33-T15N-R7E. The President of the Council then instructed the Clerk to read Ordinance No. 2244 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2244 by title.

Council Member Kavan moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Tyler seconded said motion. The President of the Council put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Roll call vote: Kavan, yes; Tyler, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; and Lawver, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the President of the Council declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2244 may be read by title and moved for final passage in the same meeting.

Council Member Dunbar moved that Ordinance No. 2244 be approved and passed and its title agreed to. Council Member Lawver seconded the motion. The President of the Council instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Dunbar, yes; Lawver, yes; Kavan, yes; Tyler, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

The passage and adoption of said Ordinance having been concurred then by a majority of all members of the Council, the President of the Council declared the Ordinance adopted and, in the presence of the

Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed signatures thereto. The President of the Council ordered the Ordinance to be published in pamphlet form and that said Ordinance be kept in a separate and distinct Ordinance volume record, and that said and distinct Volume be incorporated and made a part of these proceedings the same as though it was read at large herein.

Ordinance No. 2245 was introduced by Tyler entitled: AN ORDINANCE OF THE CITY OF WAHOO AMENDING THE OFFICIAL ZONING MAP BY CHANGE OF ZONING, FROM TRANSITIONAL AG TO LARGE LOT RESIDENTIAL, OF TRACT 4, CONTAINING 0.35 ACRES MORE OR LESS, IN THE NE ¼ NW ¼ S33-T15N-R7E AND TRACT 5, CONTAINING 9.58 ACRES MORE OR LESS, IN THE SE ¼ NW ¼ S33-T15N-R7E. The President of the Council then instructed the Clerk to read Ordinance No. 2245 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2245 by title.

Council Member Kavan moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so that the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Dunbar seconded said motion. The President of the Council put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Roll call vote: Kavan, yes; Dunbar, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Svoboda, yes. Absent and not voting: none. Motion carried. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the President of the Council declared the statutory rules in regards to the passage and approval of ordinance be suspended so that Ordinance No. 2245 may be read by title and moved for final passage in the same meeting.

Council Member Tyler moved that Ordinance No. 2245 be approved and passed and its title agreed to. Council Member Lawver seconded the motion. The President of the Council instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Tyler, yes; Lawver, yes; Kavan, yes; Svoboda, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

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

The public hearing regarding a substantial modification of the General Redevelopment Plan approving certain redevelopment projects in the area and approving the redevelopment contract was declared open at 7:30 p.m. The project area is Lot 1, Airpark-Bomgaars Addition. The Clerk indicated all notifications had been sent to the various taxing entities and notice was published as required. No public comments were offered. Motion by Lawver, seconded by Tyler, to close the public hearing at 7:30 p.m. Roll call vote: Lawver, yes; Tyler, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Council member Kavan introduced the following **Resolution No. 2017-15** to approve the redevelopment contract as presented for the Bomgaars project, seconded by Lawver:

**“A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA,
APPROVING A SUBSTANTIAL MODIFICATION TO A GENERAL REDEVELOPMENT PLAN FOR**

A REDEVELOPMENT AREA; APPROVING CERTAIN REDEVELOPMENT PROJECTS WITHIN A PROJECT AREA; APPROVING A REDEVELOPMENT CONTRACT; AND APPROVING RELATED MATTERS.

WHEREAS, the City of Wahoo, Nebraska, a municipal corporation (the “**City**”), has determined it to be desirable to undertake and to carry out certain community redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

WHEREAS, Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (collectively, the “**Act**”), prescribe the requirements and procedures for the planning and implementation of community redevelopment projects;

WHEREAS, the City has previously declared the area described in **Attachment 1** (the “**Redevelopment Area**”) to be blighted and substandard and in need of redevelopment pursuant to the Act;

WHEREAS, the Community Development Agency of the City (the “**Authority**”) has prepared or caused to be prepared a general redevelopment plan for the Redevelopment Area in the form attached as **Attachment 2** (the “**Redevelopment Plan**”), which has previously been approved by the Mayor and Council of the City;

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 a portion of the Redevelopment Area described in **Attachment 4** (the “**Project Area**”);

WHEREAS, the Authority and the Planning Commission of the City (the “**Planning Commission**”) have both reviewed the Plan Amendment and recommended its approval by the Mayor and Council of the City;

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Plan Amendment pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Plan Amendment; and

WHEREAS, the City has reviewed the Redevelopment Plan, including the Plan Amendment, and determined that the proposed land uses and building requirements described therein 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.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA:

Section 1. The Redevelopment Plan for the Redevelopment Area, including the Project Area, is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan, including the Plan Amendment, is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Authority, that (a) the Project described in the Plan Amendment would not be economically feasible without the use of tax-increment financing, (b) the Project would not occur in the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the Project. The City acknowledges receipt of the recommendations of the Authority and the Planning Commission with respect to the Plan Amendment.

Section 2. The Plan Amendment is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in the Mayor's sole and absolute discretion. The Plan Amendment shall for all purposes serve as an amendment to the Redevelopment Plan.

Section 3. The Redevelopment Plan, as amended by this Resolution and the Plan Amendment, is hereby ratified and reaffirmed, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

Section 4. In accordance with Section 18-2147 of the Act, the City hereby amends the Redevelopment Plan by providing that any ad valorem tax on real property in the Project Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2017:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority or City to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority or City shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 5. The City has determined that the proposed land uses and building requirements in the Redevelopment Area, including the Project 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 6. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Plan Amendment.”

Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; Svoboda, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Council member Lawver introduced the following **Resolution No. 2017-16** presented for the Bomgaars project, seconded by Kavan:

“A RESOLUTION AUTHORIZING THE ISSUANCE OF TAXABLE TAX INCREMENT REVENUE NOTES (BOMGAARS PROJECT), SERIES 2017 OF THE CITY OF WAHOO, NEBRASKA, FOR THE PURPOSE OF PAYING CERTAIN PROJECT COSTS IN CONNECTION WITH THE BOMGAARS PROJECT; PRESCRIBING THE FORM AND DETAILS OF SAID NOTES AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY OF WAHOO, NEBRASKA TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.”

Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Svoboda, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Jon Mooberry of JEO Consulting Group addressed the Council regarding Chestnut Street Improvements and additions to the engineering agreement. Motion by Tyler, seconded by Lawver, to approve Amendment No. 3 to engineering agreement with JEO Consulting Group for 2015 Chestnut Street Improvements. Roll call vote: Tyler, yes; Lawver, yes; Kavan, yes; Svoboda, yes; Dunbar, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Harrell reported the proposed transport agreement with South Haven would provide a contract rate for non-emergency transports, such as for medical appointments. Motion by Svoboda, seconded by Kavan, to authorize the Mayor to sign agreement for ambulance and medical transportation services between VSL Wahoo LLC and City of Wahoo. Roll call vote: Svoboda, yes; Kavan, yes; Tyler, yes; Dunbar, yes; Krejci, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Charlie Emsweiler, Wahoo Locker, requested to eliminate one parking stall in the downtown parking area in front of his business with a curb cut and ramp. This would allow easier access to move loaded carts to customer’s vehicles. Beavers stated the ramp would meet ADA requirements, but not have a handicapped

parking stall adjacent. This area has brick insert matching the downtown district. Striping the stall to eliminate parking or a “no parking” or “loading only” sign was discussed. Motion by Svoboda, seconded by Dunbar, to approve elimination of one parking stall in front of 205 West 5th Street, with striping to prohibit parking, and removal and replacement of sidewalk with a curb cut meeting ADA requirements, and the requirement for brick in the sloped ramp section is waived. Roll call vote: Svoboda, yes; Dunbar, yes; Krejci, yes; Lawver, yes; Kavan, no; and Tyler, yes. Absent and not voting: none. Motion carried.

Dave DuBois presented request for a Special Designated License at the Veterans Memorial Club. Motion by Lawver, seconded by Kavan to approve application for Special Designated License for 7/29/2017 event at 112 East 7th Street. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; Dunbar, yes; Svoboda, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Motion by Svoboda, seconded by Dunbar, to approve the second amendment to the Articles of Incorporation for Wahoo Public Building and Grounds. Roll call vote: Svoboda, yes; Dunbar, yes; Krejci, yes; Lawver, yes; Kavan, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Lausterer reported on political subdivision tort claim received.

No audience comments or council comments presented. The next meeting is a special meeting, Monday, July 24, due to the County Fair parade on Thursday.

Motion by Kavan, seconded by Lawver, to adjourn at 8:19 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor