

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. Approval of the minutes of June 28, 2012 of the Council
2. Accept the minutes of the June 12, 2012 Library Board meeting
3. The following licenses: James Cloyed, Cloyed Heating & A/C, Inc., Wahoo, plumber and mechanical, renewal; and Tony Brown, Air Comfort Company, Inc., Fremont, mechanical, renewal.

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

Department Head reports were reviewed. Jonas reported the Finance Committee had met and reviewed the health insurance rates and structure. Svoboda reported on the Chestnut Street Project. The Mayor indicated the Airport Authority had held several meetings and were working on minimum standards

The public hearing on proposed amendment to the City of Wahoo Comprehensive Plan and Zoning Regulations to add language to both to protect air space for the Wahoo Municipal Airport was declared open by the Mayor at 7:08 p.m. The called for comments from the public and none were presented. A motion was made by Lawver, seconded by Svoboda, to close the public hearing at 7:11 p.m. Roll call vote: Lawver, yes; Svoboda, yes; Tyler, yes; Krejci, yes; Jonas, yes; and Hennings, yes. Motion carried.

Ordinance No. 2095 was introduced by Council Member Lawver entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 2022, KNOWN, AND CITED, AS THE COMPREHENSIVE DEVELOPMENT PLAN 2009 OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JULY 23, 2009, BY THE AMENDMENT OF COMMUNITY FACILITIES, AIRPORTS, AND THE GROWTH MANAGEMENT PLAN, PHASING PLAN, AIRPORT PROTECTION AREA; AND 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 SEC 4.14 HEIGHT REGULATIONS, SEC 7.16 WIND ENERGY SYSTEMS, AND SEC 7.11.03 TOWER REGULATIONS, POLICY STATEMENT, BY ADDITION OF REFERENCE TO AIRSPACE PROTECTION AREAS FOR THE WAHOO MUNICIPAL AIRPORT. The Mayor then instructed the Clerk to read Ordinance No. 2095 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2095 by title.

Council Member Lawver 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 Mayor put the question and instructed the Clerk to call for the roll for the vote thereon. The Clerk called the roll and the following was the vote on the motion to suspend the rules: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; Jonas, yes; and Hennings, yes. The motion having been carried by the affirmative votes of no less than three-fourths of the members of the Council, the Mayor declared the statutory rules in

regards to the passage and approval of ordinance be suspended so that Ordinance No. 2095 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2095 be approved and passed and its title agreed to. Council Member Svoboda seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Lawver, yes; Svoboda, yes; Krejci, yes; Jonas, yes; Hennings, yes; and Tyler, yes. Motion carried.

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

Lawver was excused from the meeting at 7:13 p.m.

The public hearing regarding on a proposed general redevelopment plan for an area of the City of Wahoo that has previously been declared blighted and substandard, located between County Roads K and L, east of the UPRR, was declared open by the Mayor at 7:13 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Svoboda, seconded by Krejci, to close the public hearing at 7:14 p.m. Roll call vote: Svoboda, yes; Krejci, yes; Jonas, yes; Hennings, yes; and Tyler, yes. Lawver, absent and not voting. Motion carried.

Council member Krejci introduced **Resolution No. 2012-11** and moved for its adoption, seconded by Hennings:

“A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, APPROVING A GENERAL REDEVELOPMENT PLAN FOR A REDEVELOPMENT AREA PURSUANT TO SECTIONS 18-2101 THROUGH 18-2154, REISSUE REVISED STATUTES OF NEBRASKA.

WHEREAS, the City of Wahoo, Nebraska, a municipal corporation (the “City”), has determined it to be desirable to undertake and 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 of Wahoo, Nebraska (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”) and recommended its approval by the Mayor and Council of the City;

WHEREAS, the Planning Commission of the City has also reviewed the Redevelopment Plan 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 Redevelopment Plan 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 Redevelopment Plan; and

WHEREAS, the City 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.

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

Section 1. The Redevelopment Plan is hereby approved.
Section 2. The Redevelopment Area is designated a redevelopment area as such term is defined in the Act.”

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

The public hearing on a proposed amendment to the general redevelopment plan for a redevelopment area of the City of Wahoo which includes approval of certain redevelopment projects, specifically Omaha Steel Casting Project, was declared open by the Mayor at 7:15 p.m. The Mayor called for comments from the public and none were presented. A motion was made by Hennings, seconded by Krejci, to close the public hearing at 7:16 p.m. Roll call vote: Hennings, yes; Krejci, yes; Jonas, yes; Tyler, yes; and Svoboda, yes. Lawver, absent and not voting. Motion carried.

The following resolution, **Resolution No. 2012-12**, was introduced by Krejci, who moved for its approval, seconded by Hennings:

“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 his 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, 2012:

(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 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 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 Authority 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: Krejci, yes; Hennings, yes; Tyler, yes; Svoboda, yes; and Jonas, yes. Lawver, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Svoboda, to table consideration of a financing resolution regarding the Omaha Steel Casting Project to the next meeting. Roll call vote: Jonas, yes; Svoboda, yes; Tyler, yes; Krejci, yes; and Hennings, yes. Lawver, absent and not voting. Motion carried.

A motion was made by Tyler, seconded by Jonas, to table an ordinance to acquire a permanent easement from the Gottschalk family for utilities and the settlement agreement with the Gottschalk family regarding sewer and water connections to the next meeting. Roll call vote: Tyler, yes; Jonas, yes; Krejci, yes; Svoboda, yes; and Hennings, yes. Lawver, absent and not voting. Motion carried.

A motion was made by Jonas, seconded by Svoboda to adjourn at 7:17 p.m.

Approved: July 26, 2012.

Melissa M. Harrell, City Clerk

Gerald D. Johnson, Mayor