

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 Mayor Loren Lindahl 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: Mike Lawver, Greg Kavan, Gerry Tyler, Stuart Krejci, Jim Svoboda, and Kevin Dunbar. Absent: none.

Audience comments: Brian Homes reported concerns about drainage problems and gravel washing into the street on 15th Street between Broadway and Chestnut.

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

1. Minutes of the April 23, 2015 meeting of the Mayor and Council
2. Minutes of April 14, 2015 meeting of Library Board
3. Minutes of May 7, 2015 meeting of Planning Commission
4. Licenses: Plumbers: Dan Pabian, Pabian Electric, Wahoo; Donald Anderson, AWS Well Company, Mead; Everly Plumbing & Heating, Fremont. HVAC: Leo Costanzo, Controlled Comfort, LaVista; Craig Labs, US Mechanical Service, Papillion; Chris Benes and Eric Seidl, Benes Heating A/C, Raymond. Electrician: Harry Frye, Diversified Electric, Lincoln; Ted Kayton, IES Commercial, Holdrege.

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

Tyler reported he and Jim Gibney met with OSCC on rates, and are waiting for response. Jansa reported staff is working on getting the cemeteries ready for Memorial Day. Beavers reported things are busy between weather delays. Denise Lawver reported the library is preparing for the summer season, will host a program on identity theft. Harrell reported an open house on the Lake Wanahoo Trail project was held, preliminary work is done, and photos of the route were taken after the recent rain events. Several staff and council members attended the emergency management meeting April 29, with good information on managing volunteers, donations, and recovery programs. Reports of nuisances and problem properties are increasing. Lausterer reported no ruling yet on WMHP issue; working on tower lease format and setting value for lease; waiting for District Court to schedule hearing on Linden property; and working on various planning and zoning issue.

Public hearing on the General Redevelopment plan for an area of the City that has been previously declared blighted and substandard and in need of redevelopment opened at 7:22 p.m. No public comments. Motion by Kavan, seconded by Tyler, to close the public hearing at 7:23 p.m. Roll call vote: Kavan, yes; Tyler, yes; Lawver, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: none. Motion carried.

The following resolution, **Resolution No. 2015-07** was introduced by Svoboda, who moved for its approval, seconded by Krejci:

“**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: Svoboda, yes; Krejci, yes; Dunbar, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Public hearing on amendment to the General Redevelopment plan, specific to redevelopment project for Sid Dillon’s, opened at 7:24 p.m. No public comments. Motion by Kavan, seconded by Lawver, to close the public hearing at 7:24 p.m. Roll call vote: Kavan, yes; Lawver, yes; Dunbar, yes; Svoboda, yes; Tyler, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Council Member Dunbar introduced the following resolution, **Resolution 2015-08**, and moved for its approval, seconded by Kavan:

“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, 2015:

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

Council Member Lawver introduced the following resolution, **Resolution 2015-09**, and moved for its approval, seconded by Tyler:

WHEREAS, the City is a city and political subdivision organized and existing under the constitution and laws of the State of Nebraska;

WHEREAS, the Act prescribes the requirements and procedures for the planning and implementation of redevelopment projects;

WHEREAS, pursuant to the Act and to resolution and upon the recommendation of the Planning Commission, the Mayor and Council previously declared the Redevelopment Area to be blighted and substandard and in need of redevelopment pursuant to the Act;

WHEREAS, the Council previously adopted and the City 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;

WHEREAS, pursuant to the Act and to resolution and upon the recommendation of the Authority and of the Planning Commission, the Council approved the Redevelopment Plan for the Redevelopment Area;

WHEREAS, pursuant to the Act and to resolution and upon the recommendation of the Authority and of the Planning Commission, the Council approved the Redevelopment Plan Amendment as an amendment to the Redevelopment Plan, and authorized the Project within the Project Area in accordance with the Act;

WHEREAS, the Redevelopment Plan Amendment provides, among other things, that the Authority will issue debt to be secured by moneys in the TIF Revenue Fund for the purpose of paying a portion of the Project Costs for the Project; and

WHEREAS, in order to pay a portion of the Project Costs, it is necessary, desirable, advisable, and in the best interest of the City to issue the City's Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project), Series 2015A, Series 2015B, and Series 2015C to pay a portion of the Project Costs, to pay the costs of issuing the Notes, and to be issued and secured in the form and manner as hereinafter provided.

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

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Resolution, the following capitalized words and terms as used in this Resolution shall have the following meanings:

"Act" means Sections 18-2101 to 18-2154, inclusive, Reissue Revised Statutes of Nebraska, as amended.

"Annual Administration Costs" means that portion of the TIF Revenues required to pay annual administration costs of the City related to the Redevelopment Plan Amendment and to any TIF Indebtedness, including attorney's fees, such amounts not to exceed \$2,000 per calendar year.

"Authority" means the Community Development Agency of the City of Wahoo, Nebraska.

"Business Day" means a day on which the banking institutions in the City are scheduled in the normal course of operations to be open to the public.

"Chair" means the Chair of the Authority.

"City" means the City of Wahoo, Nebraska, a city and political subdivision.

"City Clerk" means the Clerk of the City of Wahoo, Nebraska.

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

"Company" means Sid Dillon Wahoo Inc., a Nebraska corporation.

"Council" means the Council of the City of Wahoo, Nebraska.

"County" means Saunders County, Nebraska.

"Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

"Interest Amounts" means the amount of interest accrued on the Principal Amounts.

"Mayor" means the Mayor of the City of Wahoo, Nebraska.

"Note(s)" means the Series 2015A Note, the Series 2015B Note, and the Series 2015C Note.

"Note Counsel" means Polsinelli PC, or other firm of recognized bond counsel.

"Note Payment Date" means June 1 and October 1 of each year, beginning on June 1, 2015, and ending on October 1, 2029, and then also December 31, 2029.

"Note Register" means the books for the registration, transfer and exchange of the Notes kept at the office of the City.

"Permitted Investments" means any of the following securities and obligations, if and to the extent the same are at the time legal for investment of the City's moneys held in the funds and accounts referred to in **Section 5.1** hereof:

(a) United States Government Obligations;

(b) bonds, notes or other obligations of the State of Nebraska, or any political subdivision of the State of Nebraska, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;

(c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company, or other financial institution organized under the laws of the United States or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City;

(d) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation;

(e) certificates of deposit, time deposits or other deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States or any state, provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a), (b) or (d) above, which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificate of deposit or time deposits; and

(f) any other securities or investments that are lawful for the investment of moneys held in such funds or accounts under the laws of the State of Nebraska.

"Planning Commission" means the Planning Commission of the City of Wahoo, Nebraska.

"Principal Amounts" means principal amounts of the Notes.

"Project Area" means that portion of the Redevelopment Area described on **Exhibit B-2**.

"Project" means the redevelopment project as defined in the Redevelopment Plan Amendment.

"Project Costs" means the costs attributable to the Project and to work on any "redevelopment project," as defined in the Act, that may be paid through TIF Revenues and

which the City has agreed to pay under the Redevelopment Plan Amendment and such other costs allowed under the Redevelopment Plan and the Redevelopment Plan Amendment, including those identified in **Exhibit B-3**.

“Project Fund” means the fund by that name described in **Section 5.1** hereof.

“Purchaser(s)” means the original purchaser(s) of the Notes.

“Record Date” for the interest payable on any Note Payment Date means the 15th day (whether or not a Business Day) of the calendar month first preceding such Note Payment Date.

“Redevelopment Area” means the area described on **Exhibit B-1** which the governing body of the City found to be blighted and substandard pursuant to the Act.

“Redevelopment Plan Amendment” means the substantial modification to the Redevelopment Plan and all revisions thereto amending the Redevelopment Plan.

“Redevelopment Plan” means the general redevelopment plan approved by the City for the Redevelopment Area.

“Registered Owner” or **“Note Owner”** when used with respect to any Note means the person in whose name such Note is registered on the Note Register.

“Resolution” means this Resolution as from time to time amended in accordance with the terms hereof.

“Series 2015A Note” means the City of Wahoo, Nebraska Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project), Series 2015A, in the maximum aggregate principal amount of \$200,000.00.

“Series 2015B Note” means the City of Wahoo, Nebraska Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project), Series 2015B, in the maximum aggregate principal amount of \$304,772.00.

“Series 2015C Note” means the City of Wahoo, Nebraska Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project), Series 2015C, in the maximum aggregate principal amount of \$200,000.00.

“TIF Revenue Fund” means the fund by that name described by **Section 5.1** hereof.

“TIF Revenues” means the moneys received from the County attributable to the increase in the current equalized assessed valuation of taxable real property in the Project Area over and above the initial equalized assessed value of each such unit of property in the Project Area, all as determined in accordance with the Redevelopment Plan, the Redevelopment Plan Amendment, and the Act as in effect on the date the Notes are issued.

“State” means the State of Nebraska.

“Value” as of any particular time of determination, means, (a) with respect to cash the face value thereof, and (b) with respect to any investments, the lower of the cost of the investment or the market price of the investment on the date of valuation.

ARTICLE II

AUTHORIZATION OF NOTES

Section 2.1. Authorization of Notes. There is hereby authorized and directed to be issued on a draw down basis Notes of the City, designated as follows:

(a) “City of Wahoo, Nebraska Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project) Series 2015A,” in the maximum aggregate principal amount of \$200,000.00;

(b) “City of Wahoo, Nebraska Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project) Series 2015B,” in the maximum aggregate principal amount of \$304,772.00; and

(c) “City of Wahoo, Nebraska Taxable Tax Increment Revenue Notes (Sid Dillon Wahoo Inc. Project) Series 2015C,” in the maximum aggregate principal amount of \$200,000.00;

for the purpose of paying a portion of the Project Costs, to fund capitalized interest on the Notes through the first occurring Note Payment Date, if any, and paying the costs of issuance of the Notes. The Series 2015A Note shall be issued as a single Note. The Series 2015B Note shall be issued as a single Note. The Series 2015C Note shall be issued as a single Note. No Notes shall be issued other than the Series 2015A Note, the Series 2015B Note, and the Series 2015C Note.

Section 2.2. Description of Notes. The Series 2015A Notes shall be substantially in the form set forth in **Exhibit A-1** hereto. The Series 2015B Notes shall be substantially in the form set forth in **Exhibit A-2** hereto. The Series 2015C Notes shall be substantially in the form set forth in **Exhibit A-3** hereto. The Notes shall be subject to registration, transfer and exchange as provided in **Section 2.4** hereof. The Notes shall be dated the date of their initial issuance and delivery, shall mature on the final Note Payment Date (subject to prior prepayment as provided in Article III), and shall bear interest at the respective rates per annum as stated on the face of the Notes.

The Notes shall bear interest (computed on the basis of a 360-day year of twelve 30-day months) from their issuance date or from the most recent interest payment date to which interest has been paid or duly provided for.

Section 2.3. Method and Place of Payment of Notes. The principal of and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America.

The principal and interest payable on the Notes on any Note Payment Date shall be paid to the respective Registered Owners of such Notes as shown on the Note Register at the close of business on the Record Date for such interest. At the option of the City, payment shall be made (a) by check or draft mailed to such Registered Owner, or (b) by electronic transfer to such Registered Owner upon written notice given to the City by such Registered Owner not less than 15 days prior to the Record Date for such payment, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. Such electronic transfer notice shall be effective until such Registered Owner gives the City written notice to the contrary.

Section 2.4. Registration, Transfer and Exchange of Notes. The City covenants that it will, so long as the Notes remain outstanding, cause to be kept at the office of the City books for the registration, transfer and exchange of the Notes as herein provided. The Notes when issued shall be registered in the name of the Registered Owners thereof on the Note Register.

The Notes may be transferred and exchanged only upon the Note Register as provided in this Section. The Notes are transferable only to banks, other financial institutions or accredited investors (as defined in Rule 501 of Regulation D of the Securities Act of 1933), or as otherwise permitted by the City in writing, and only upon the execution by such transferee of an investment letter substantially in the form attached hereto as **Exhibit C**. Upon surrender thereof at the City, the City shall transfer or exchange any Note for a new Note of the same maturity and in the same principal amount as the outstanding principal amount of the Note that was presented for transfer or exchange. Any Note presented for transfer or exchange shall be accompanied by an investment letter substantially in the form attached hereto as **Exhibit C** and by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the City, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging a Note is exercised, the City shall authenticate and deliver the Note in accordance with the provisions of this Resolution. All fees and expenses of the City or the City for the registration, transfer and exchange of a Note provided for by this Resolution shall be paid by the new Registered Owner. Any additional costs or fees that might be incurred in the secondary market are the responsibility of the Registered Owner.

The City may deem and treat the person in whose name any Note is registered as the absolute owner of such Note, whether the Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on said Note and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and the City shall not be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the City, the Note Register may be inspected and copied by any Registered Owner (or a designated representative thereof).

The City may impose a charge against a Registered Owner for the reimbursement of any governmental charge required to be paid in the event that such Registered Owner fails to provide a correct taxpayer identification number to the City. Such charge may be deducted from an interest or principal payment due to the Registered Owner.

Section 2.5. Execution, Authentication and Delivery of Notes. The Notes, including any Notes issued in exchange or as substitution for the Notes initially delivered, shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Notes may be signed by such persons who at the actual time of the execution of such Notes are the proper officers to sign such Notes although at the date of such Notes such persons may not have been such officers.

The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Notes. The City shall deliver the Notes to the Purchasers, upon payment of the purchase price of the Notes.

Section 2.6. Mutilated, Destroyed, Lost and Stolen Notes. If (a) any mutilated Note is surrendered to the City, or the City receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the City such security or indemnity as may be required to save the City harmless, then, in the absence of notice to the City that such Note has been acquired by a bona fide purchaser, the City shall execute, register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Note, pay such Note when due.

Upon the issuance of any new Note under this Section, the City may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the City) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other outstanding Notes.

Section 2.7. Sale of Notes. Upon receipt of documents sufficient to evidence that the City has received consideration equal to the amount of 100% of the principal amount of the respective Note, the sale of such Note to the Purchaser at a purchase price of 100% of the principal amount of the Note, plus accrued interest, if any, to the date of delivery, will be hereby ratified and confirmed. Delivery of the Notes shall be made to the Purchasers as soon as practicable after the adoption of this Resolution and upon payment therefor in accordance with the terms of sale.

ARTICLE III TERMS AND PAYMENT

Section 3.1. Terms and Payment. The Series 2015A Notes shall be issued substantially in the form set forth in **Exhibit A-1**. The Series 2015B Notes shall be issued substantially in the form set forth in **Exhibit A-2**. The Series 2015C Notes shall be issued substantially in the form set forth in **Exhibit A-3**. The Notes shall be dated the date of the initial issuance and delivery, shall become due and shall bear interest as set forth below and on the face of the Notes. Each Note shall be issued on a draw down basis. The Series 2015A Notes shall have a right to repayment from forty-five percent (45%) of the TIF Revenues then on deposit in the TIF Revenue Fund. The Series 2015B Notes shall have a right to repayment from fifty-five percent (55%) of the TIF Revenues then on deposit in the TIF Revenue Fund. The Series 2015C Notes shall be subordinate to both the Series 2015A Notes and the Series 2015B Notes, and the Series 2015C Notes shall have no right to repayment until and after all the Series 2015A Notes and the Series 2015A Notes have been paid in full. After the Series 2015A Notes and the Series 2015B Notes have all been paid in full, the Series 2015C Notes shall have a right to repayment from all TIF Revenues then on deposit in the TIF Revenue Fund.

On each Note Payment Date, except for such portion of the TIF Revenues required to pay Annual Administration Costs, the following amounts shall be due and payable in the order of priority set forth below:

- (a) an amount equal to forty-five percent (45%) of all amounts then on deposit in the TIF Revenue Fund shall be due and payable to the Series 2015A Note, first to interest accrued and the remainder to principal; and
- (b) an amount equal to fifty-five percent (55%) of all amounts then on deposit in the TIF Revenue Fund shall be due and payable to the Series 2015B Note, first to interest accrued and the remainder to principal; and then
- (c) after the Series 2015A Note and the Series 2015B Note have each been paid in full, an amount equal to all amounts then on deposit in the TIF Revenue Fund shall be due and payable to the Series 2015C Note, first to interest accrued and the remainder to principal.

All remaining principal of the Notes and interest accrued and unpaid thereon shall be due and payable on the final Note Payment Date in accordance with the order of priority set forth in this Section. The City may prepay all or any portion of the Notes at any time and from time to time without premium or penalty of any kind, at the prepayment price equal to 100% of the principal amount to be prepaid, together with interested accrued to the date fixed for prepayment.

ARTICLE IV SECURITY FOR THE NOTES

Section 4.1. Security for the Notes. The Notes shall be a limited, special obligation of the City payable solely from and secured as to the payment of principal and interest, subject to the provisions of **Section 4.2**, by a pledge of the TIF Revenues, except for such portion of the TIF Revenues required to pay Annual Administration Costs, and no other moneys, revenues, funds or accounts. The taxing powers of the City are not pledged

to the payment of the Notes either as to principal or interest. The Notes shall not constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction.

Section 4.2. Pledge of Certain Funds. The moneys and securities now or hereafter held in, and moneys and securities to be deposited in, the TIF Revenue Fund, and all interest and earnings thereon and proceeds thereof are hereby pledged to secure the payment of the Notes in accordance with the following order of priority:

- (a) the Series 2015A Note shall receive a first pledge of forty-five percent (45%) of the TIF Revenues then on deposit in the TIF Revenue Fund;
- (b) the Series 2015B Note shall receive a first pledge of fifty-five percent (55%) of the TIF Revenues then on deposit in the TIF Revenue Fund; and
- (c) the Series 2015A Note shall receive a second pledge, subordinate to the first pledge to the Series 2015A Note and the Series 2015B Note, of one hundred percent (100%) of the TIF Revenues then on deposit in the TIF Revenue Fund.

Each pledge of TIF Revenues shall not include the amount required to pay the annual Administration Costs. In addition, security may consist of such other security as is determined necessary by the Financing Resolution authorizing such series of TIF Indebtedness. When the Notes have been paid in full and discharged, then the requirements contained in this Resolution and the pledge of revenues made hereunder and all other rights granted hereby shall terminate.

ARTICLE V

CREATION OF FUNDS AND ACCOUNTS; DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 5.1. Creation of Funds and Accounts. There are hereby created and ordered to be established within the treasury of the City the following separate funds and accounts:

- (a) City of Wahoo, Nebraska, Sid Dillon Wahoo Inc. Project, TIF Revenue Fund (the "TIF Revenue Fund").
- (b) City of Wahoo, Nebraska, Sid Dillon Wahoo Inc. Project, Project Fund (the "Project Fund").

Said funds and accounts shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be commingled with any other moneys, revenues, funds and accounts of the City. The TIF Revenue Fund and the Project Fund shall be maintained and administered in the manner provided in this Resolution so long as the Notes remains outstanding hereunder.

Section 5.2. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited in the Project Fund.

Section 5.3. Application of Moneys in the Project Fund. Moneys in the Project Fund shall be used solely for the purpose of paying the costs and expenses incident to the issuance of the Notes.

ARTICLE VI

APPLICATION OF REVENUES

Section 6.1. TIF Revenue Fund. The moneys in the TIF Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Resolution. The TIF Revenues shall be determined and collected in the manner provided by law.

All amounts paid and credited to the TIF Revenue Fund shall be expended and used for the sole purpose of paying the principal of and interest on the Notes as and when the same become due on each Note Payment Date or as otherwise provided in **Section 3.1.**

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEYS

Section 7.1. Deposits of Moneys. Moneys in each of the funds and accounts created by and referred to in this Resolution and held by the City shall be continuously and adequately secured as provided by the laws of the State and invested in Permitted Investments.

Section 7.2. Investment of Moneys. All earnings on any investments held in any fund shall accrue to and become a part of such fund.

ARTICLE VIII

ADDITIONAL NOTES

Section 8.1. Additional Notes. The City covenants and agrees that so long as the Notes remain outstanding, the City will not issue any additional bonds, notes or debt payable from the TIF Revenue Fund or the Project Fund or any part thereof without the prior written consent of the Registered Owners.

ARTICLE IX

DEFAULT AND REMEDIES

Section 9.1. Acceleration of Maturity Upon Default. The City covenants and agrees that if it defaults in the payment of the principal of or interest on the Notes as the same becomes due on any Note Payment Date, then, at any time thereafter and while such default continues, the Registered Owner may by written notice to the City filed in the office of the City Clerk or delivered in person to said City Clerk, declare the principal of the Notes then outstanding to be due and payable immediately, and upon any such declaration the Notes shall become and be immediately due and payable, anything in this Resolution or in the Notes contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said outstanding Notes has been so declared to be due and payable, all arrears of interest upon all of said Notes, except interest accrued but not yet due on such Notes, and all arrears of principal upon all of said Notes has been paid in full and all other defaults, if any, by the City under the provisions of this Resolution and under the provisions of the statutes of the State of Nebraska have been cured, then and in every such case the Registered Owner shall, rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon. Notwithstanding the foregoing, failure by the City to pay any amounts due as principal or interest on any Note Payment Date that are in excess of the amounts then on deposit in the TIF Revenue Fund shall not be deemed a default.

Section 9.2. Remedies. The provisions of this Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and each Registered Owner. Subject to the limitations set forth in **Section 9.3**, each Registered Owner shall have the following rights:

(a) by mandamus or other suit, action or proceeding at law or in equity to enforce the rights of the Registered Owner against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Resolution or by the constitution and laws of the State of Nebraska;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owner.

Section 9.3. Remedies Cumulative. No remedy conferred herein upon the Registered Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without

exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by a Registered Owner shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of a Registered Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceeding taken by a Registered Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such Registered Owner, then, and in every such case, the City and such Registered Owner shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of such Registered Owner shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE X MISCELLANEOUS PROVISIONS

Section 10.1. Amendments. The rights and duties of the City and the Registered Owners, and the terms and provisions of the Notes or of this Resolution, may be amended or modified at any time in any respect by Resolution of the City with the written consent of the Registered Owners, such consent to be evidenced by an instrument or instruments executed by the Registered Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument shall be filed with the City Clerk, but no such amendment, modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon the Notes;
- (b) effect a reduction in the amount which the City is required to pay by way of principal or interest on the Notes; or
- (c) permit the creation of a lien on the TIF Revenue Fund, the Project Fund, or other funds and accounts pledged hereunder prior or equal to the lien of the Notes.

Any provision of the Notes or of this Resolution may, however, be amended or modified by Resolution duly adopted by the governing body of the City at any time in any respect with the written consent of the Registered Owners.

Without notice to or the consent of the Registered Owners, the City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Registered Owners.

Every amendment or modification of the provisions of the Notes or of this Resolution, to which the consent of the Registered Owners is given, as above provided, shall be expressed in a Resolution adopted by the governing body of the City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental Resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the Registered Owners or a prospective purchaser or owner of the Notes authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Resolution or of this Resolution will be sent by the City Clerk to any such Registered Owner or prospective Registered Owner.

Notwithstanding anything to the contrary in this **Section 10.1**, before any Resolution supplementing or amending this Resolution pursuant to this **Section 10.1** shall

become effective, there shall have been delivered to the City an opinion of Note Counsel stating that such supplemental Resolution is authorized or permitted by this Resolution and the Act, complies with their respective terms, will, upon the execution and delivery thereof, be valid and binding upon the City in accordance with its terms, and will not adversely affect the exclusion from federal gross income of interest on the Notes, if applicable.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the Resolution of the City, duly certified, as well as proof of any required consent to such modification by the Registered Owners. It shall not be necessary to note on any outstanding Notes any reference to such amendment or modification.

Section 10.2. Payments Due on Days Other Than Business Days. In any case where the date of maturity of principal of or interest on the Notes or the date fixed for prepayment of any Note is not a Business Day, then payment of principal or interest need not be made on such date but may be made on the first succeeding Business Day with the same force and effect as if made on the date of maturity or the date fixed for prepayment, with no adjustment in accrued interest for the period between such prepayment date and such first succeeding Business Day.

Section 10.3. Notices, Consents and Other Instruments by Registered Owner. Any notice, consent, request, direction, approval, objection or other instrument required by this Resolution to be signed and executed by the Registered Owner other than the assignment of the Ownership of the Notes, may be in any number of concurrent writings of similar tenor and may be signed or executed by such Registered Owner in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of the Notes, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution; and

(b) The fact of ownership of the Notes, the amount or amounts, numbers and other identification of the Notes, and the date of holding the same shall be proved by the Note Register.

Section 10.4. Further Authority. The officers of the City, including the Mayor and the City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the City's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

Section 10.5. Severability. If any section or other part of this Resolution or the Notes is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 10.6. Governing Law. This Resolution shall be governed exclusively by and constructed in accordance with the applicable laws of the State.

Section 10.7. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the City."

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

The public hearing on Application for Conditional Use to locate portable building sales business on Lots 1 and 2, and the South 55 ½ feet of Lot 3, Block 5, Wahlstrom's Addition to the City of Wahoo, as filed by TJ Investment Group LLC, in NRC zoning district, opened at 7:26 p.m. The applicant was not present. No public comments offered. A motion was made by Lawver, seconded by Krejci, to close the public hearing at 7:26 p.m. Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; Tyler, yes; Dunbar, yes; and Svoboda, yes. Absent and not voting: none. Motion carried.

It was noted the use requested does not match any of those specifically listed in the NRC zoning district regulations; if considered retail sales, no outside display is permitted; if considered accessory buildings, must abide by setbacks. Considerable time has been spent reviewing this situation. Planning Commission recommended that the use be allowed, but that all rules of NRC zone be complied with, including setback requirements for accessory uses, for buildings displayed. Discussion was held on the type of use, character of zoning districts and what uses are appropriate in each district, maximum lot coverage, possible conditions if allowed, finding of fact if the use is denied, variance process, and legal process for violation of zoning regulations.

An Ordinance was introduced by Council Member Lawver, entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOT 1 AND 2, AND THE SOUTH 55 ½ FEET OF LOT 3, BLOCK 5, WAHLSTROM'S ADDITION TO WAHOO, NEBRASKA, BY ALLOWING THEREON A CONDITIONAL USE, THAT BEING PORTABLE BUILDING SALES, UNDER NRC – NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING DISTRICT REGULATIONS. Introduction of the ordinance was seconded by Kavan.

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 Svoboda seconded said motion.

After discussion, Lawver requested to withdraw the motion to suspend the rules, and withdraw the motion to introduce the ordinance.

Conditions for the use were discussed and it was agreed to allow as a Conditional Use a business selling portable buildings, subject to the following: a. Displayed buildings shall meet all regulations as required under NRC – Neighborhood Residential Commercial zoning regulations, including setback requirements and maximum lot use requirements, for accessory uses as set forth in 5.11.09 of zoning regulations; and b. The permit shall be reviewed in twelve months, on or about May 14, 2015.

Ordinance No. 2183 was introduced by Council Member Lawver entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: LOT 1 AND 2, AND THE SOUTH 55 ½ FEET OF LOT 3, BLOCK 5, WAHLSTROM'S ADDITION TO WAHOO, NEBRASKA, BY ALLOWING THEREON A CONDITIONAL USE, THAT BEING PORTABLE BUILDING SALES, UNDER NRC – NEIGHBORHOOD RESIDENTIAL COMMERCIAL ZONING DISTRICT REGULATIONS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2183 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2183 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 Kavan 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; Kavan, yes; Tyler, yes; Svoboda, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: none. 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. 2183 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2183 be approved and passed and its title agreed to. Council Member Kavan 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; Kavan, yes; Tyler, yes; Dunbar, no; Svoboda, no; and Krejci, 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

The Mayor stated the next order of business as second reading of Ordinance No. 2182. **Ordinance No. 2182** was introduced by Council Member Lawver, entitled: AN ORDINANCE AMENDING ORDINANCE 1886, THE ZONING ORDINANCE OF THE CITY OF WAHOO, BY AMENDMENT OF SECTION 7.11, TOWER REGULATIONS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. The Mayor then instructed the Clerk to read Ordinance No. 2182 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2182 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 Kavan 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; Kavan, yes; Dunbar, yes; Svoboda, yes; Tyler, yes; and Krejci, 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. 2182 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2182 be approved and passed and its title agreed to. Council Member Kavan 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; Kavan, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, 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 that the Ordinance be forwarded to the Mayor for the Mayor's signature. The 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.

Motion was made by Svoboda to table consideration of request to waive full-panel replacement policy for concrete in the alley between 11th and 12th on Orange, as the applicant was ill and unable to attend tonight's meeting. Motion was seconded by Kavan. Roll call vote: Svoboda, yes; Kavan, yes; Dunbar, yes; Lawver, yes; Krejci, yes; and Tyler, yes. Absent and not voting: none. Motion carried.

Parking plan for Sid Dillon Chevrolet development was reviewed. Beavers reported some changes were needed to meet ADA compliance and bicycle parking requirements, the lot will be hard-surfaced, and drainage is being reviewed. Motion was made by Lawver, seconded by Svoboda, to approve the parking plan conditioned upon correction to meet parking requirements, and approval of drainage plan by staff and NDOR. Roll call vote: Lawver, yes; Svoboda, yes; Dunbar, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Council Member Lawver introduced the following resolution, **Resolution 2015-10**, and moved for its approval, seconded by Kavan:

“WHEREAS: City of Wahoo and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BN1410 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal Funds;

WHEREAS: City of Wahoo understands that it must continue to strictly follow all Federal, State and Local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS: City of Wahoo and NDOR wish to enter into supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Wahoo, Nebraska that: Loren L. Lindahl, Mayor, or the President of the Council of the City of Wahoo, Nebraska, is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Wahoo and the NDOR.

City of Wahoo is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.”

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

Council members discussed pavement sinking in the parking lot by the Aquatic Center; what criteria must be met for satisfying parking requirements for businesses off their own premises or to provide angle parking within right-of-way; and noise regulations for music in beer gardens.

Motion by Kavan, seconded by Lawver, to adjourn at 8:16 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor