

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, Gerry Tyler, Stuart Krejci, Jim Svoboda and Kevin Dunbar. Greg Kavan was absent.

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

1. Excused absence of Kavan
2. Minutes of February 23, 2017 meeting of the Mayor and Council
3. Minutes of the February 21, 2017 meeting of the Wahoo Library Board of Trustees
4. Licenses: Plumbers: Jimmy Bragg, Jimmy's Plumbing, Omaha; Donald Pytlik, Ernie's Store, Ceresco; Paul DeWitt, Paul's Plumbing, Dwight; Donald Zeleny, DRZ Plumbing, Gretna.

Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Department head reports: Jansa reported street sweeping and crack sealing. Anderson reported 911 and transport numbers; new ambulance scheduled to be in service April 1; staff participated in an emergency management exercise. Hull reported Fire department activity and seven new applicants. Harrell reported one yellow signal light at 5th and Chestnut needs to be rewired. She thanked Denise Lawver for hosting the traveling Nebraska150 Children's Museum exhibit which will make its first stop in Wahoo. Lawver reported programs coming up; the library will be a learning site for SECC. Tyler reported on the Board of Public Works meeting.

Lawver reported the Street Committee met; a meeting is scheduled for March 13 on the Chestnut Street project. The Mayor asked the General Committee to meet with staff and Planning Commission members.

Dale Rood appeared on behalf of The Ridge Subdivision. Motion was made by Lawver, seconded by Krejci, to approve the subdivision agreement for The Ridge Subdivision-Phase IV. Roll call vote: Lawver, yes; Krejci, yes; Svoboda, yes; Dunbar, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Motion was made by Svoboda, seconded by Lawver, to approve the Final Plat of The Ridge Subdivision-Phase IV, with waivers as requested. Roll call vote: Svoboda, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Steve Parr of JEO Consulting Group provided information on Sycamore Hills-1st Addition.

Motion was made by Dunbar, seconded by Krejci, to approve the subdivision agreement, including escrow and security agreement for Sycamore Hills-1st Addition. Roll call vote: Dunbar, yes; Krejci, yes; Svoboda, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Motion was made by Lawver, seconded by Tyler, to approve plans and specifications for street, sanitary sewer and storm sewer improvements in Sycamore Hills – 1st Addition. Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Motion to approve Final Plat of Sycamore Hills – 1st Addition, with notation that Lots 7 and 13 will not have access from 23rd Street, made by Krejci, seconded by Svoboda. Roll call vote: Krejci, yes; Svoboda, yes;

Dunbar, yes; Lawver, yes; and Tyler, yes. Absent and not voting: Kavan. Motion carried.

Motion was made by Svoboda, seconded by Lawver, to approve the Engagement Letter with Polsinelli law firm to represent the City of Wahoo regarding the Wahoo State Bank TIF Project. Roll call vote: Svoboda, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Greg Hohl reported plans to move ahead with demolition for the Wahoo State Bank project and the desire to use TIF for expenses. Motion by Krejci, seconded by Lawver, to approve the Memorandum of Understanding between the City of Wahoo and Wahoo State Bank regarding the use of Tax Increment Financing for the bank project. Roll call vote: Krejci, yes; Lawver, yes; Tyler, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Provisions for the Manners Trust and transfer of funds directed for the benefits of the Wahoo Police Department, Wahoo Volunteer Fire Department, and Wahoo Volunteer Rescue Squad were discussed.

Council member Dunbar introduced the following resolution, **Resolution 2017-05**, and moved for its approval, seconded by Tyler,

“WHEREAS, Marcia K. Manners died testate, a resident of the City of Wahoo, Saunders County, Nebraska, on October 2, 2014, and,

WHEREAS, the Last Will and Testament of Marcia K. Manners, dated March 23, 1993, was admitted to probate in the County Court of Saunders County, Nebraska, in Case No. PR 14-82, and, WHEREAS, a provision of said Last Will and Testament provided as follows:

1. I direct my trustee to divide my property into three separate trusts, with an equal amount of principal in each trust. One trust shall be for the Wahoo Police Department; one for the Wahoo Volunteer Fire Department; and one for the Wahoo Volunteer Rescue Squad. In the event one or more of said entities is not in existence at the time of my death, I direct my trustee to divide my property among those still in existence.
2. In the case of each trust, the appropriate division of the City of Wahoo shall make application to my trustee for income and principal distribution as the division believes is necessary. I leave it to the discretion of my Trustee to make whatever distribution it deems appropriate after considering the application of the division.
3. At the end of ten years, I direct my Trustee to terminate all three trusts and pay the remaining balance to the City of Wahoo to be placed in the General Fund and used for whatever purposes the City Council at the time might deem appropriate.

and,

WHEREAS, Ms. Manners, in said Last Will and Testament, appointed Firstier Bank, N.A., Lincoln, Nebraska, as Trustee of said Trust, and,

WHEREAS, through acquisitions, mergers, and name changes, Firstier Bank, N.A., is now known as US Bank, and,

WHEREAS, upon the final administration of the Estate of Marcia K. Manners, the sum of \$642,873.59 was given to US Bank as Trustee of the aforementioned Trust, and,

WHEREAS, for ease of convenience, only one Trust was created, that being the Marcia K. Manners Trust, of which the separate beneficiaries are as set forth in the Last Will and Testament of Marcia K. Manners, and,

WHEREAS, for purposes of computing the ten (10) year term of the Trust, the Trust commenced as of October 2, 2014, and,

WHEREAS, due to IRS Income Tax Regulations, the Marcia K. Manners Trust is obligated to distribute annually, to the beneficiaries of the Trust, five percent (5%) of the Trust's average market value for the prior tax year, and,

WHEREAS, it is the intent of the Wahoo Police Department, the Wahoo Volunteer Fire Department, and the Volunteer Rescue Squad that, for the foreseeable future, the Trust assets, and the annual distribution, all be accumulated until the need for their use shall arise, and,

WHEREAS, the City of Wahoo does have the option, as to the monies received by the City from the Trust representing the five percent (5%) annual distribution from the Trust, to invest said monies for the benefit of the Wahoo Police Department, Wahoo Volunteer Fire Department, and the Wahoo Volunteer Rescue Squad, and,

WHEREAS, the Wahoo Community Foundation is a Nebraska Non-Profit Corporation, which has 501(c)(3) status from the Internal Revenue Service, in to which those annual distributions of funds could be deposited and invested by the Wahoo Community Foundation for the benefit of the Wahoo Police Department, Wahoo Volunteer Fire Department, and the Wahoo Volunteer Rescue Squad, and,

WHEREAS, it is the intent of the Mayor and Council of the City of Wahoo, Nebraska, that said funds, consisting of funds being held at US Bank, and funds held by Wahoo Community Foundation, shall be utilized, in total, for the aforementioned three entities, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, do not intend, at the end of the ten (10) year term of said Trust, that any of said funds would be placed into the General Fund of the City of Wahoo for whatever purposes the City Council at that time may deem appropriate but shall be utilized only for those three (3) indicated departments of the City of Wahoo, Nebraska,

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Wahoo, Nebraska, as follows:

1. That the findings hereinabove made should be and are hereby incorporated herein by reference.
2. That all funds received by the City of Wahoo, Nebraska, from US Bank, pertaining to the Marcia K. Manners Trust, shall be invested by the City of Wahoo, Nebraska, with the Wahoo Community Foundation.
3. That the Wahoo Community Foundation shall report annually, unless requested by the Mayor and Council to report more frequently, of the activity of said funds invested.
4. That copies of this Resolution shall be given to the Wahoo Police Department, the Wahoo Volunteer Fire Department, and the Wahoo Volunteer Rescue Squad and to any other entity desiring a copy of this Resolution.
5. That on or about April 1, 2017 all funds attributable to and associated with the Marcia K. Manners Trust shall be set aside, by the City of Wahoo, into three equal funds, for the benefit of the Wahoo Police Department, the Wahoo Volunteer Fire Department, and the Wahoo Volunteer Rescue Squad."

Roll call vote: Dunbar, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Lawver, yes. Absent and not voting: Kavan. Motion carried.

Council member Lawver introduced the following resolution, **Resolution 2017-06**, and moved for its approval, seconded by Tyler,

“WHEREAS, certain municipalities and fire protection districts located in Saunders County, Nebraska desire to enter into an Interlocal Cooperation agreement for the creation of a Mutual Finance Organization pursuant to Legislative Bill 1120, 1998;

WHEREAS, the Interlocal Cooperation Agreement for a Mutual Finance Organization would be in the best interests of all participating members; and

WHEREAS, the members desire to enter into a written Interlocal Cooperation Agreement for a Mutual Finance Organization.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wahoo, Nebraska:

Section 1. The Interlocal Cooperation Agreement for a Mutual Finance Organization is hereby approved, ratified and accepted, and the Mayor of the City of Wahoo, Nebraska is hereby authorized, directed and empowered to execute the same;

Section 2. The Interlocal Cooperation Agreement for a Mutual Finance Organization shall not establish a separate legal entity, but rather shall be a joint and cooperative undertaking between the members and that a joint board shall be responsible for administering this joint and cooperative undertaking.

Section 3. All resolutions or parts of resolutions in conflict herewith are repealed.”

Roll call vote: Lawver, yes; Tyler, yes; Krejci, yes; Svoboda, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Motion by Svoboda, seconded by Lawver, to refer the claim filed against the City of Wahoo to the Street Committee for discussion and report back to the full Council. Roll call vote: Svoboda, yes; Lawver, yes; Tyler, yes; Krejci, yes; and Dunbar, yes. Absent and not voting: Kavan. Motion carried.

Motion by Lawver, seconded by Dunbar, to adjourn at 7:55 p.m.

Approved:

Lucinda Morrow, Deputy Clerk

Loren L. Lindahl, Mayor