

# **WAHOO CITY COUNCIL AGENDA**

**Tuesday May 9, 2023 – 7:00 p.m.**

**Wahoo Public Library, 637 N Maple St, Wahoo, NE**

NOTICE IS HEREBY GIVEN that the Mayor and Council of the City of Wahoo meet on the second and fourth Tuesdays of each month at the Wahoo Public Library, 637 N Maple Street Wahoo, Nebraska, at 7:00 p.m. Notice of special meetings shall be given by posting a notice thereof on the bulletin board in City Hall, U.S. Post Office, and First Bank of Nebraska, at least 24 hours before the special meeting. All Council meetings are open to the public and the agenda, which is kept continually current, is available for public inspection at the office of the City Clerk at City Hall during normal business hours.

Individuals requiring physical or sensory accommodations, individual interpreter service, Braille, large print or recorded material, please contact the ADA Coordinator at City Hall, 605 North Broadway, Wahoo, Nebraska, 68066, telephone 402-443-3222 as far in advance as possible, but no later than 48 hours before the scheduled event.

## **Pledge of Allegiance**

## **Announcement of the Open Meetings Act**

(A copy of the Act is posted on the west wall of the Council Chambers for public review. The Act is also available in pamphlet form on request.) All those wishing to speak at a meeting, under the Open Meetings Act, must announce their name and address, unless the information would be a risk to one's security.

## **Call to order and roll call**

## **Proclamation**

## **Audience comments on items not listed on the agenda**

(The public may address the Council at this time with items that are not on the agenda. No action can be taken but the Council can hear your concerns and either the Mayor can direct them to the appropriate Department or Council Committee or ask that the item be placed on the next regular agenda for action.)

## **Board of Equalization**

1. Open meeting of Board of Equalization
2. Hearing on report of Special Assessments for Street Improvement District No 2021-01, Sanitary Sewer District No 2021-01, and Stormwater Sewer District No 2021-01 for North Highlands Subdivision
3. Action to approve schedule of assessments and authorize levying of the assessments
4. Adjourn and return to regular council session

## **Department head reports**

Parks and Rec Director Kevin Stuhr

## **Presentation**

1. Presentation regarding ATV/UTVs

## **Consent agenda**

(The consent agenda is approved by one motion. Any item listed on the Consent Agenda may, by the request of any single Councilmember or public in attendance, be considered as a separate item under the Regular Agenda.)

1. Acceptance of excused absence of Mayor or Council member(s)
2. Approval of Minutes of the April 25, 2023, meeting of the city council.
3. Acceptance of Minutes of the April 11, 2023, Library Board Meeting
4. Authorization for Mayor to sign contract for bailing of hay ground at Landfill cover site.

## **Public hearing and associated action items**

## **Tabled business**

**Action items not requiring a public hearing**

1. Resolution No 2023-07 to authorize the City's participation in the Saunders County Mutual Finance Organization and to indicate our intent to allocate \$.04 of the levy to the Fire Department of the City.
2. Review of NDOT Open House and discussion and action regarding comments to provide on 77/109 roundabout project.
3. Approval of Ordinance for Bonding for Wilmer Ridge
4. Approval of MOU with Three Rivers
5. Approval of waiver of height requirements and use of barbed wire for security fencing for Menn Commercial Park
6. Discussion on use of property at 23<sup>rd</sup> and Chestnut

**Mayor's comments on items not listed on the agenda****Council comments on items not listed on the agenda****Upcoming planned meeting dates and agenda deadlines**

1. May 23, 2023 (agenda deadline = 5:00pm May 18, 2023)
2. June 13, 2023 (agenda deadline = 5:00pm June 8, 2023)
3. June 27, 2023 (agenda deadline = 5:00pm June 22, 2023)



## MONTHLY REPORT

for

**April, 2023**

### Building Maintenance

Inspections completed during the month included the fire extinguishers at all City buildings as well as the backflow preventer inspections. Repair work included replacing the Civic Center pool exhaust fan motor and cleaning the Senior Center sewer line.

### Parks

Work continued to re-open all parks and outdoor facilities for the season. All park shelters and restrooms were opened and made available early in the month as the weather began to cooperate. High school baseball games at Crawford and Hackberry were consistent throughout the month and the local club teams began playing at Hackberry as well mid-month so field preparation work was a daily activity. Regular spring pre-emergent applications occurred at Crawford and Hackberry. Irrigation systems at all facilities were turned on and programmed for the season. Five large trees were removed at Smith Park as part of our continued effort to identify and remove trees in poor condition. Staff assisted the contracted tree company to clean up the sites. All stumps were also removed. Landscaped areas at the Civic Center and along the Maple St. trail received some clean up and pruning attention. Two new flag poles will be installed at Crawford and the south fields at Hackberry thanks to a generous local donor. Staff formed and poured the concrete foundations for both poles and they will be set in the near future.

### Membership Update

Total Civic Center Memberships (as of 4/30/23)	723
Total Civic Center Members (as of 4/30/23)	2,268

### Civic Center Usage

Informal "Drop-in" Patrons	4,267	*Closed Easter Sunday
Rec Program Participants	<u>1,025</u>	
Total Facility Use	5,292	

Daily Average: 182/day

Highest Use Day of Month: 209 informal "drop-in" patrons

Respectfully Submitted By:

Kevin Stuhr  
Director



## April Recreation Report

### Youth Programs:

Spring Volleyball League (2<sup>nd</sup> through 6<sup>th</sup> Grade)  
135 participants

Soccer  
444 participants

Afterschool Program  
21 participants

Preschool Program  
8 participants

Gymnastics – Session #4  
20 participants

### Adult Programs:

AM Water Aerobics  
158 participants

Ai-Chi Water Aerobics  
15 participants

Civic Center Classic  
40 participants

Women's Volleyball (2<sup>nd</sup> session)  
8 teams

Coed Volleyball (2<sup>nd</sup> session)  
4 teams

### Special Events & Rentals:

1 - Meeting Room Rental  
23 participants

1 – After Hours Rental  
23 participants

### Upcoming Programs & Events:

Summer Camp – Currently accepting registrations  
Boys and Girls T-Ball & Coach-Pitch Leagues – Games begin May 30<sup>th</sup>  
Summer Swim Lessons – Registration underway  
Lifeguard Training Class – Registration underway  
Youth Flag Football & Volleyball – Registration underway through June 27<sup>th</sup>  
Afterschool Program – Registration underway

# Wahoo Senior Services Manager's Report April 2023

<u>Informational Programs</u>	<u>Sessions</u>	<u># of participants &amp; usage</u>
Board of Directors Meeting	1	4 participants
<u>Health Programs</u>		
Tai Chi	8	20 participants/144 times
Exercise Room	20	26 participants/179 times
City Meal Program	23	55 participants/516 meals
<u>Recreational Programs</u>		
10 point pitch	8	21 participants/126 times
Bridge & tournament	4	9 participants/32 times
Pinochle & tournament	8	8 participants/64 times
Bingo Games	4	10 participants/37 times
Bunco	4	12 participants/38 times
Trivia Afternoon	1	9 participants
Art Class	2	4 participants

## Other Programs and Services:

- Busy Wheels provided 211 rides (16 days possible)
- 32 volunteers donated 531 hours (Busy Wheel Drivers, Sr. Center vol. & Thrift Store vol.)
- 489 names were signed-in throughout the month (20 days possible)
- There was a Foot Clinic which assisted 12 seniors.
- Region V brought 10 clients twice in April and watched a movie in our north activity room.
- Sydney from the NRD presented a program about the benefits of spending time in the outdoors. Five people attended. She will continue to come monthly for programs.
- The winter book club read 4 books in the three months that they met. Four patrons took part.
- The Senior Center held their 3<sup>rd</sup> annual Salad & Dessert Dinner the evening of April 19<sup>th</sup>. It was a sold out event with 90 guests. There were 10 different tables that were hosted by volunteers and each table had a different theme. The entertainment for the evening was 13 local high school students from Bishop Neumann & Wahoo Public. They were dressed in their Prom attire and introduced as they walked around the tables to display their elegant wear. We were also able to recognize 5 of the 6 graduating high school seniors that were awarded \$1,000 non-renewable scholarships. The Wahoo Senior Center Association provides these scholarships each year. All proceeds from this fundraiser goes to the Senior Center.

Director's Report  
APRIL 2023

**Library Open 27 days**

**Statistics: Door Count: 2630; Reference: 190 ; Internet-in-library: 111; Wi-Fi 221; Kids 125 // Facebook Engagements 4024 //Website Traffic: 2087//Study Room—24//Meeting Room Use: 737 //Inter-Library Loan 4 //Library story times 8 w/105 attendees//Outreach visits to schools & daycares—313//146 users had 743 Overdrive downloads-//HOOPLA downloads: 68 users had 162 downloads//News Bank Views 90 Log-ins w/1448 views// Donations: 11 gave 396 items to the library. Items removed: 141--//Items added: 121**

April was a great month at the library! We were very busy getting ready for the library 100<sup>th</sup> anniversary celebration that we held on April 23.

We had over 200 people attend & enjoy the wonderful ice-cream sundaes from Beauty View Farms & delicious cookies from Mocha C's. Special thanks to all of the library staff who worked & planned for this event. Thank you to the Library Friends who covered all the financial cost of our party.

In addition to our library celebration, staff continued to plan for other events, the big book sale coming in May, the start of summer reading program in May & attending meetings, meetings, meetings!

Bob was able to attend an event with me at the Nebraska Library Commission (NLC), he met the folks that he corresponds by email& also enjoyed learning more about the mission of the NLC & how they help libraries across the State.

My last day of reading to my kindergarten classes at St. Wenceslaus was April 18, I have been reading at the school for 3 years & I truly treasure every visit. The pansies they gifted me are enjoying their new home on my front porch!

Denise Lawver  
Library Director

**TOTAL LIBRARY USE & CIRCULATION for APRIL 12365**

# JEO Project Status Report

To: City of Wahoo: Melissa Harrell, City Administrator

Date: May 1, 2023

Prepared By: Steve Parr



JEO #	Project	Funding Source #	Status	JEO Action	City Action	Schedule
141219*Jon Mooberry	Wahoo Elementary SRTS	State/Local	Construction completed. <b>Project closeout in process.</b>	None	None	<b>Project closeout completion in May 2023</b>
150096*Jon Mooberry	Chestnut Street, 1 <sup>st</sup> Street, 5 <sup>th</sup> Street and 12 <sup>th</sup> Street Improvements	Local	Project completed.	None	None	
171859/150096* Jon Mooberry	Chestnut Street Lighting 14 <sup>th</sup> Street to Highway 77	Local	Project completed.	None	None	<b>Street lighting under 3-Year maintenance bond through 2/14/2026</b>
221821* Kevin Kruse	2021 Update to North Study Area Drainage Evaluation	Local	Project completed.	None	None	
980973*Steve Parr	Road Program	State/Local	<b>Update lane mile report</b>	None	None	
191406* Jon Mooberry	2022 Asphalt Overlay and Street Improvements	Local	Project completed	None	None	1-Year Warranty Period expires 9/20/2023
211278* Dave Henke	North Highlands Development	Local	Project completed	None	None	
202154*Dave Henke	Wahoo – Dog Park	Local/donations	Waterers installed but not connected. Shade shelters and other amenities to follow,	None	None	TBD
230029* Eric Casper	Highlands Park Master Plan	Local	<b>Master Plan update sent to Kevin Stuhr for review</b>	None	None	<b>No formal completion date set.</b>
222326* Eric Casper	Parks Master Plan	Local	<b>Master Plan update sent to Kevin Stuhr for review.</b> <b>JEO Architecture to look at park shelter.</b>	None	None	<b>No formal completion date set.</b>

Note: Items in **Red** are new from previous report.

# Consent Agenda



**Wahoo Public Library****Wahoo, Nebraska****April 11, 2023**

The Council met in regular session in the Wahoo Public Library, 637 N Maple, in compliance with the agenda posted at City Hall, Post Office and First Bank of Nebraska, and the City of Wahoo website, with each Council member being notified of the agenda prior to the meeting. The meeting was called to order by Mayor Gerald D. Johnson at 7:00 p.m. and opened with the Pledge of Allegiance. The public was informed of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members present: Stuart Krejci, Chris Rappl, Patrick Nagle and Ryan Ideus, Carl Warford, and Shane Sweet. Council Members absent: None.

Library Director Denise Lawver gave a report on the 100<sup>th</sup> anniversary celebration and the upcoming kick off for the summer reading program that will run from May 22<sup>nd</sup> through July 28.

City Administrator Melissa Harrell reported on the upcoming Open House for the 77/109 roundabout project. She also reported on the status of other projects throughout the city.

Council Member Nagle motioned and Council Member Ideus seconded to approve the consent agenda which included approval of minutes of the April 20, 2023, work session of the City Council, acceptance of the April 6, 2023, meeting of the planning commission, and approval of drawdown #11 for \$19,228.75 including approval of claims for payment from SENDD for \$1,593.75 for Administration, \$850.00 to SENDD for Housing Management, \$2,055.00 to SENDD for Lead, \$7980.00 to Crewline Exteriors, and \$6,750.00 to Welch Masonry. Roll call vote Nagle, yes; Ideus, yes; Krejci, yes; Warford, yes; Sweet, yes; and Rappl, yes. Motion carried.

Council Member Krejci motioned and Council Member Sweet seconded to amend Ordinance No 2429 regarding ATV/UTV's within city limits. Roll call vote Krejci, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Rappl motioned, and Council Member Ideus seconded to approval the final reading of Ordinance No 2429 AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO APPROVE AN ORDINANCE PERMITTING THE USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF WAHOO UNDER TERMS SPECIFICIED. Roll call vote Rappl, yes; Ideus, yes; Krejci, yes; Nagle, yes; Warford, yes; and Sweet, yes. Motion carried.

Council Member Rappl motioned, and Council Member Nagle seconded to approve Ordinance No 2431 AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, 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 7.02.01 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Roll call vote Rappl, yes; Nagle, yes; Krejci, yes; Warford, yes; Ideus, yes; and Sweet, yes. Motion carried.

City Administrator Harrell reported on the 6 active TIF project throughout the city. Council Member Warford motioned and Council Member Sweet seconded to accept the annual TIF report. Roll call vote Warford, yes; Sweet, yes; Krejci, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Krejci motioned, and Council Member Nagle seconded to approve the joint pole agreement with Charter Communications. Roll call vote: Krejci, yes; Nagle, yes; Rappl, yes; Sweet, yes; Ideus, yes; Warford, abstain. Motion carried.

Council Member Krejci motioned and Council Member Sweet seconded to approve the joint pole agreement with Great Plains Communications. Krejci, yes; Sweet, yes; Nagle, yes; Rappl, yes; Ideus, yes; Warford, abstain. Motion carried.

Council Member Krejci motioned, and Council Member Nagle seconded to approve Resolution No 2022-06 to consent to the assignment and assumption of the redevelopment contract for the Sid Dillon Wahoo Inc. Project. Roll call vote Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; and Rappl, yes. Motion carried.

Council Member Nagle motioned, and Council Member Rappl seconded to approve a joint purchase with Wahoo Utilities for a Jet/Vac Combo Truck. Roll call vote Nagle, yes; Rappl, yes; Ideus, yes; Krejci, yes; Warford, yes; and Sweet, yes. Motion carried.

Utilities General Manager Ryan Hurst reported that our current allowed rate for customer owned generation is 100Kw and that this purposed ordinance would decrease that to 25Kw. This would make our policy in line with state statute. Council Member Krejci introduced Ordinance No 2433, an amendment to rate change policy regarding customer owned generation excess power rate. Council Member Krejci motioned, and Council Member Warford seconded to waive the required three readings. Council Member Krejci motioned, and Council Member Warford seconded to approve Ordinance No 2433.

Council Member Krejci motioned, and Council Member Nagle seconded to deny the claim regarding a sewer backup at 1025 N Hackberry. Roll call vote Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; and Rappl, yes. Motion carried.

Council Member Rappl motioned, and Council Member Ideus seconded to declare a JCB Backhoe as surplus property. Roll call vote Rappl, yes; Ideus, yes; Krejci, yes; Nagle, yes; Warford, yes; and Sweet, yes. Motion carried.

Council Member Warford motioned, and Council Member Nagle seconded to approve a Waiver of Separate Submittals for preliminary and Final Plats for Menn Commercial Park First Replat, a replat of lots 2 and 3, Menn Commercial Park to the City of Wahoo, Saunders County, Nebraska. Roll call vote Warford, yes; Nagle, yes; Sweet, yes; Krejci, yes; Ideus, yes; and Rappl, yes. Motion carried.

Ordinance No. 2434 was introduced by Council Member Warford entitled: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE XI: ADMINISTRATION OF THE WAHOO MUNICIPAL CODE BY THE AMENDMENT OF CHAPTER 114: AMUSEMENT, SECTION 114.50-114.54.

Council Member Warford 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 Ideus 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: Roll call vote Warford, yes; Ideus, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Sweet, yes. Motion carried. 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 regard to the passage and approval of ordinance be suspended so that Ordinance No. 2434 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2434 be approved and passed, and its title agreed to. Council Member Ideus seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Roll call vote Warford, yes; Ideus, yes; Krejci, yes; Nagle, yes; Rappl, yes; and Sweet, yes. Motion carried.

Council Member Krejci motioned and Council Member Sweet seconded to approve the Authorization for City Administrator to sign Underwriting Engagement and Disclosure Letter with D.A. Davidson for permanent financing for North Highlands Subdivision infrastructure improvements and interim financing for the Wilmer Ridge Subdivision infrastructure improvements. Roll call vote Krejci, yes; Ideus, yes; Sweet, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Warford was excused from the meeting at 8:05pm.

Council Member Rappl motioned, and Council Member Ideus seconded to approve Resolution 2023-05 to set the date, time, and location for the Board of Equalization to meet to consider the levying of special assessments for the North Highlands Subdivision (May 9, 2023, at 7:00 p.m.). Roll call vote: Rappl, yes; Ideus, yes; Nagle, yes; Krejci, yes; Sweet, yes; Warford, absent and not voting.

No action was taken on the Approval of Waiver of required surfacing materials for commercial parking lots for Destiny Campus/Kennedy Campus.

Council Member Rappl motioned, and Council Member Ideus seconded to adjourn at 8:15pm

The next regular meeting is May 9, 2023, at 7:00pm at the Wahoo Public Library, 637 N Maple Street.

Approved:

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Christina Fasel, City Clerk

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Gerald D. Johnson, Mayor

The regular monthly meeting of the Wahoo Public Library Board of Trustees took place on Tuesday April 11, 2023 at 7:00 p.m. in Meeting Room B (Former Computer Lab)

Present: **Amber Francis, Kal Lausterer, Gene Mercer, Teresa Urlacher, Jenny Wagner-Kramer and Library Director Denise Lawver.**

Guests: Scott Childers, Executive Director of the Southeast Library System (SELS)

**AGENDA:**

- I. **Open Meetings Compliance Law:** addressed and noted, meeting called to order at 7:03p.m. by President Teresa Urlacher.
- II. **Roll Call, Absences, & Recognition of guests—** Welcome Scott Childers, all board members present.
- III. **Approval & adjustments to the agenda—** Motion by Lausterer, second by Mercer to approve the agenda. **Voting yes to approve:** Lausterer, Mercer, Francis, Urlacher & Wagner-Kramer.
- IV. **Approval of Library Board minutes of March 14, 2023—**Motion by Lausterer, Second by Mercer, to approve the minutes: **Voting yes to approve:** Lausterer, Mercer, Francis, Wagner-Kramer and Urlacher.
- V. **Review of Bills & Budget/Revenue Sheets—**reviewed by library board.
- VI. **Director's Report—**Denise—
- VII. **Old Business: None for this meeting**
- VIII. **New Business:**
  - A. Items not on agenda may be added during action of item III.
  - B. Library Board Training with Scott Childers from SELS. Scott presented 1.5 hours of training reviewing responsibilities of the library board & library director. He also discussed the Nebraska Open Meetings Act, we need to place a printed copy of this act in the small conference room where the library board meets. We should also allow a Public Comments item to the agenda under New Business. Very good information shared & discussion with Scott & the board.
  - C. New Trustees submitted to Mayor Johnson for approval—David Privett & Marilyn (Merry) Fenton submitted short biographical summaries outlining why they would like to be appointed to the library board.
- IX. **Adjournment:** Motion by Wagner-Kramer, Second by Francis; **to** adjourn at 8:28 p.m.: Voting yes: Wagner-Kramer, Francis, Mercer, Lausterer, and Urlacher.

**Next Regular Meeting:** May 9, 2023 at 7:00 p.m.  
Denise Lawver Recording Secretary

# Item 1

**RESOLUTION NO. 2023-07**

**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.

**Passed and Adopted** this 9<sup>th</sup> day of May, 2023.

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Gerald Johnson, Mayor

ATTEST:

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Christina Fasel, City Clerk

# Item 2

# Wahoo Intersection

## MISC-77-6(1080); CN 13502

PUBLIC INFORMATION OPEN HOUSE MEETING  
THURSDAY, APRIL 27, 2023

**LOCATION** ► Identified as *Wahoo Intersection*, the proposed project would build a roundabout at the intersection of US Highway 77 (US-77) and Nebraska Highway 109 (N-109) in Saunders County. Construction may begin and/or end approximately 2,500 feet ahead of or beyond the actual project limits to accommodate striping the pavement.

**PURPOSE AND NEED** ► The purpose of the proposed project is to reduce the frequency and severity of crashes at the junction of US-77 and N-109, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public. The need for this project is based on current crash trends present at the intersection.

**SCOPE OF WORK** ► The planned construction would consist of removing the existing pavement and replacing it with doweled concrete pavement with integral curb. Additional work would include curb inlets, storm sewer, and lighting updates. Existing utilities would be reconstructed or relocated as needed.

**RIGHT-OF-WAY** ► The proposed project would require the acquisition of additional property rights, which could include new right-of-way (ROW), control of access (CA), permanent easements (PE), and/or temporary easements (TE). If your property is impacted by this proposed project, you would be contacted by a representative once the design footprint has been established. Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements. Access to driveways may be limited at time due to phasing requirements.

**POTENTIAL IMPACTS** ► Lake Wanahoo and the Wahoo Municipal Airport are located in the vicinity of the proposed improvements; no impacts are anticipated.

### Comments will be collected through May 12, 2023.

**Written comments or requests should be submitted to:**

Lucas Nelsen  
NDOT Public Involvement  
lucas.nelsen@nebraska.gov  
phone 402-479-3890  
P.O. Box 94759, Lincoln, NE 68509-4759

**For more information on the project, contact:**

Thomas Goodbarn  
NDOT District 1 Engineer in Lincoln  
thomas.goodbarn@nebraska.gov  
phone 402-471-0850



### TENTATIVE CONSTRUCTION TIMELINE

SPRING 2024 – FALL 2024



### ESTIMATED COSTS

**\$5.9 Million\***

*\*Funding would derive from state sources.*



### TRAFFIC VOLUMES

Average Daily Traffic (ADT)  
Percent Heavy Trucks (%HT)

#### U.S. 77 – WEST

	ADT	%HT
2024	8,600	14%
2044	10,390	14%

#### U.S. 77 – EAST

	ADT	%HT
2024	8,720	15%
2044	11,080	15%

#### N-109 – NORTH

	ADT	%HT
2024	3,150	8%
2044	3,490	8%

#### OLD HIGHWAY 77 – SOUTH

	ADT	%HT
2024	3,020	8%
2044	3,090	8%

Information regarding the proposed project will be made available on the NDOT website at [ndot.info/13502](https://ndot.info/13502).





# Wahoo Intersection

MISC-77-6(1080); CN 13502

## PROPOSED CONSTRUCTION PHASING



### ACCOMMODATION OF TRAFFIC & DETOUR

Construction of the proposed project would be phased with segments closed and traffic detoured. The project would be built in three phases.

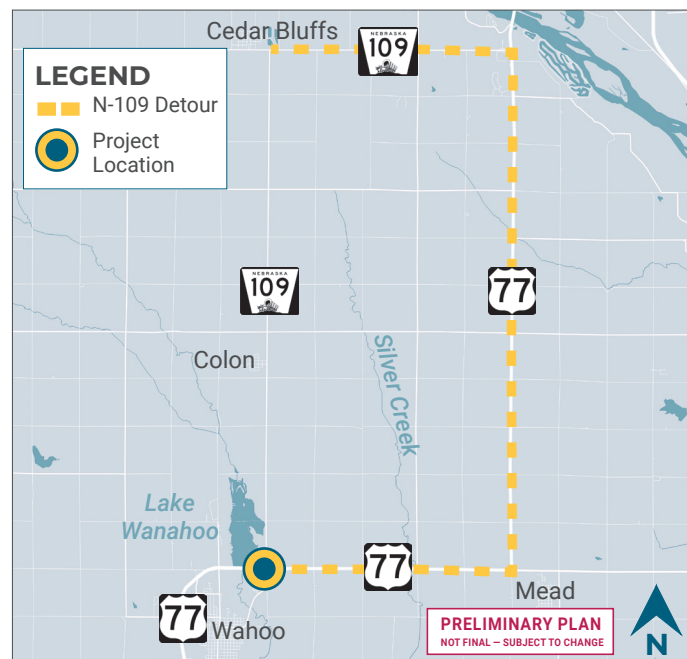
**Phase 1** would build the southern half of the roundabout. Old Highway 77 traffic would be detoured. No left turns would be allowed at the intersection. A designated detour for local traffic would be provided utilizing N Chestnut Street, E 12th Street, and Old Highway 77.

**Phase 2** would build the center section of the roundabout. No left turns would be allowed at the intersection.

**Phase 3** would complete construction, and N-109 traffic would be detoured. A designated detour for N-109 would be provided using US-77.

**Traffic on US-77 would not be detoured.**

## PROPOSED DETOURS



NDOT is working to develop this project in a way that minimizes inconvenience and hardships. We are committed to improving Nebraska's highway system and with your help we can achieve this goal.

# Item 3

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF WAHOO, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2023-1 AND IN STORM WATER SEWER DISTRICT 2023-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PUBLISHING THE ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wahoo, Nebraska (the “City”) hereby find and determine:

(a) That by an Ordinance of the City heretofore adopted, Street Improvement District No. 2023-1, (the “Street Improvement District”) has been created; that JEO, the engineers for the City, have prepared estimates for the cost of construction of certain street and related improvements in the aforesaid District; that bids have been opened and tabulated; that the City has entered into contracts for construction of the improvements; and, that there has been placed on file the City’s engineer’s estimate showing that the City’s costs, including costs of engineering and costs of issuance and underwriting and a portion of interest to accrue on the Notes authorized herein during construction, will be not less than \$ \_\_\_\_\_;

(b) That by a resolution of necessity of the City heretofore adopted, Storm Water Sewer District No. 2023-1, (the “Storm Water Sewer District” and together with the Street Improvement District, the “Districts”) has been created; for certain storm sewer and related improvements in the Storm Water District, that JEO, the engineers for the City, have prepared estimates for the cost of construction of certain street and related improvements in the aforesaid District; that bids have been opened and tabulated; that the City has entered into contracts for construction of the improvements; and, that there has been placed on file the City’s engineer’s estimate showing that the City’s costs, including costs of engineering and costs of issuance and

underwriting and a portion of interest to accrue on the Notes authorized herein during construction, will be not less than \$ \_\_\_\_\_ ;

(c) that it is necessary for the City to have funds available to meet its payment obligations under the terms of contracts for the cost of the improvements to be constructed relative to the aforesaid Districts and to provide for payment of a portion of the interest accruing on the Notes authorized herein prior to their maturity, pending the completion of improvements and issuance of permanent financing pursuant to Sections 17-516, 17-520, 17-925, 18-1801 and 18-1802, R.R.S. Neb., as amended, and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb., as amended, to issue notes for the purpose of providing interim financing for the construction of said improvements, including a portion of the interest to accrue on such notes and the costs of issuance thereof, all as set out above; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Bond Anticipation Notes; that to provide for payments of a portion of said total costs, it is now necessary to issue Bond Anticipation Notes in the amount of not to exceed \$2,450,000, to pay a portion of the costs of the aforesaid improvements, the costs of issuance of said notes and a portion of the interest to accrue on said notes, do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing for a portion of the costs set out in Section 1 pending the issuance of permanent General Obligation Various Purpose Bonds by the City, there shall be and there are hereby ordered issued bond anticipation notes of the City of Wahoo, Nebraska, to be known as "Bond Anticipation Notes" of the aggregate principal amount of not to exceed Two Million Four Hundred Fifty Thousand Dollars (\$2,450,000) (herein referred to as the "Notes" or the "notes"), consisting of fully registered notes numbered from 1 upwards in the order of issuance, in the denomination of \$5,000 each, or integral multiples thereof. The Notes shall bear interest at the rates per annum and become due and bear such other terms as set forth in a designation of final terms, which may be in the form of a note purchase agreement, (the "Designation") subject to and in accordance with the following:

The Mayor or City Administrator/Treasurer (each, an "Authorized Officer") may negotiate for the sale of the Notes in one or more series with an underwriting discount or placement agent fee of not more than 1.00% of the principal amount thereof (which sale price may be

adjusted to take into account any original issue discount or original issue premium), with D.A. Davidson & Co. (the "Underwriter") serving as underwriter or placement agent, as determined by an Authorized Officer. In connection with and as a part of such sale or sales, an Authorized Officer shall fix (which may be done in connection with a Purchase Agreement between the City and the Underwriter or bank) (a) the series designation of such series of Notes; (b) the final maturity of such series of the Notes, which shall not be later than December 15, 2029; (c) the principal amount of such series of the Notes; provided, however that the aggregate stated principal amount of all series of Notes shall not exceed the aggregate stated amount of \$2,450,000 but may be less than that amount; (d) the rate or rates of interest to be borne by each maturity of such series of the Notes, provided that the Notes shall not bear interest at a true interest cost in excess of 4.75% per annum; (e) the date or dates upon which semiannual interest shall be payable, and the record date for the purpose of determining the owners of each series of the Notes for the payments of interest; (f) the date or dates upon which such series of the Notes will be subject to redemption at the option of the City; (g) the identity of the Paying Agent and Registrar for each series of the Notes and the form and contents of any agreement or agreements under which the Paying Agent and Registrar would serve in such respective capacities with respect to each series of the Notes; (h) whether the Notes are sold pursuant to an underwritten transaction or a direct placement with a bank; and (i) all such other terms and provisions of the Notes not otherwise fixed or established by this Ordinance.

Interest on the Notes shall be payable on such dates as shall be determined in the Designation. The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the Paying Agent and Registrar (identified herein), upon presentation and surrender of the note or notes when due or when called for payment prior to maturity. The payment of interest on said notes, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owners by mailing payment to the address of such registered owner or owners thereof as such address shall appear on the note register maintained by said Paying Agent and Registrar. The record date for each interest payment date (the "Record Date") shall be the fifteenth day immediately preceding the interest payment date. Payments of interest shall be mailed to the registered owner of each note as of the Record Date for each interest payment date.

Section 3. The City Treasurer, Wahoo, Nebraska, (or such other entity as may be determined in the Designation) is hereby designated as Paying Agent and Registrar for the Bond Anticipation Notes herein ordered issued and is hereby authorized to make payments of interest and principal from funds available for such purposes as provided herein as the same fall due. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and

registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this ordinance, one note may be transferred for several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any note during any period from any Record Date until its immediately following interest payment date or to transfer any note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Said Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk and shall have the City's seal imprinted or impressed on each Note. Said Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Note during the period from any Record Date to the next following interest payment date transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. Said notes shall be substantially in the following form:

UNITED STATES OF AMERICA

STATE OF NEBRASKA  
COUNTY OF SAUNDERS

BOND ANTICIPATION NOTE  
OF THE CITY OF WAHOO, NEBRASKA  
SERIES 2023

No. R-1

\$

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	_____, 20____	_____, 2023	

Registered Owner: [ Cede & Co.]

Principal Amount: \_\_\_\_\_ THOUSAND DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Wahoo, in the County of Saunders, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 2023. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of \_\_\_\_\_, as Paying Agent and Registrar, in \_\_\_\_\_, Nebraska, upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Paying Agent and Registrar.

This note is redeemable at the option of the City prior to maturity anytime on or after \_\_\_\_\_, 20\_\_\_\_ at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of Wahoo for the purpose of providing interim financing to pay \_\_\_\_\_, to pay the cost of issuance of said notes and to pay a portion of the interest to accrue on said notes, pending the issuance of permanent general obligation bonds. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 10-137, Reissue Revised Statutes of Nebraska, 2012, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

[AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.]

[UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.]

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this note did exist, did happen and were done and performed in regular and due form and time as provided by law.



IN WITNESS WHEREOF the Mayor and Council of the City of Wahoo, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF WAHOO, NEBRASKA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

\_\_\_\_\_  
\_\_\_\_\_, NEBRASKA  
Acting as Paying Agent and Registrar

\_\_\_\_\_

(Form of Assignment)

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

---

Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ agent to transfer the within Note on the Note Register kept by the  
Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Note in every particular.

Medallion Signature Guarantee:

Section 6. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. Is sold pursuant to an underwritten transaction with the Underwriter, the Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company (DTC), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Note from a Bond Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

- (i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Notes,
- (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or
- (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes. The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Bond Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

- (i) any successor securities depository or its nominee;
- (ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of Section 2 of this ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until

authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Notes, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter (if pursuant to an underwritten transaction) or bank (if pursuant to a direct placement), as the initial purchaser thereof, upon receipt of the purchase price as determined in the Designation, plus accrued interest thereon to date of payment for the Notes. The Underwriter shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Mayor or Clerk of the City are each individually hereby authorized to execute a Note Purchase Agreement for the sale of the Notes to the Underwriter, as initial purchaser of the Notes. D.A. Davidson & Co., and its agents, representatives and counsel (including the City's bond counsel for the Notes) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository at closing. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Notes, and any such actions previously taken are hereby ratified and confirmed.

Section 7. The proceeds of the Notes will be used to pay costs of the improvements described in Section 1 hereof, and may be used to pay costs of issuance of the Notes and a portion of interest accrued on the Notes. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its Various Purpose Bonds or other bonds. The City further covenants and agrees to issue and sell its Various Purpose Bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the Notes herein authorized, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 8. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the

purpose of refunding the Notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City.

Section 9. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the initial purchaser of the Notes. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 10. The City hereby covenants to the purchasers and holders of the Notes, that it will make no use of the proceeds of said Notes issue, including money held in any sinking fund attributable to said Notes which would cause said Notes to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants and agrees to take all actions necessary under current federal law to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Notes. The City hereby authorizes the Authorized Officers to designate the Notes as the City's qualified tax-exempt obligations under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and to covenant and warrant, on behalf of the City, that the City does not reasonably anticipate issuance of tax-exempt bonds or other obligations, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$10,000,000 in calendar year 2023. The City agrees to take all further actions, if any, necessary to qualify the Notes herein authorized for such treatment if available.

Section 11. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.

Section 13. The Authorized Officers (or any one or more of them) are hereby authorized to approve, deliver and deem final a Preliminary Official Statement and a final Official Statement with respect to the Notes for and on behalf of the City, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Notes, a continuing disclosure undertaking in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the “Rule”) in such form as determined necessary and appropriate by such Authorized Officer (the “Continuing Disclosure Undertaking”) and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Note (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section, and under the Continuing Disclosure Undertaking.

Section 15. All documents, agreements, certificates, and instruments related to the Notes shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Notes may be executed in any number of counterparts, each of which shall be

deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 16. This Ordinance shall be published in pamphlet or electronic form as provided by law. This Ordinance shall take effect immediately upon its publication in pamphlet form.

PASSED AND APPROVED this \_\_\_\_ day of May, 2023.

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City Clerk

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Mayor

[SEAL]

DRAFT



I, the undersigned City Clerk for the City of Wahoo, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on May \_\_\_, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

\_\_\_\_\_  
City Clerk

[SEAL]

NOTICE OF PUBLICATION  
OF ORDINANCE NO. \_\_\_\_\_  
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Wahoo, Nebraska, held at 7:00 o'clock p.m. on May \_\_\_, 2023, there was passed and adopted Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF WAHOO, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2023-1 AND IN STORM WATER SEWER DISTRICT 2023-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PUBLISHING THE ORDINANCE.

Said Ordinance was published in pamphlet form. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of Wahoo, Nebraska.

\_\_\_\_\_  
City Clerk

[SEAL]

Publish One Time: \_\_\_\_\_, 2023

# Item 4

## **BETWEEN THREE RIVERS PUBLIC HEALTH DEPARTMENT AND WAHOO FIRE AND RESCUE DEPARTMENT**

It is recognized that the Three Rivers Public Health Department is engaged in the provision of vital public health programs and services that help citizens of Dodge, Saunders, and Washington counties live healthier lives. It is further recognized that the Three Rivers Public Health Department will be called upon to provide services during a public health emergency to protect the citizens of Dodge, Saunders, and Washington Counties from disease, disability, and death. To provide these vital services, the Three Rivers Public Health Department will need additional resources and support to conduct effective emergency response activities.

Wahoo Fire and Rescue Department is well suited to support public health emergency response efforts and Wahoo Fire and Rescue Department wishes to declare its intention to support the community during a public health emergency and assist in response efforts. In the event of a public health emergency Fire and Rescue Department intends to assist the Three Rivers Public Health Department and provide the following to make medications available to its employees and their families:

1. **ACTION:** When requested, the Wahoo Fire and Rescue Department will provide emergency medical assistance and the transportation of sick, injured, or convalescent persons to pre-designated local hospitals.
2. **EQUIPMENT AND SUPPLIES:** Wahoo Fire and Rescue Department may be requested to provide equipment and supplies necessary for emergency medical assistance of any sick, injured, or convalescent persons present at any distribution and dispensing sites.
3. **PROPERTY DAMAGE:** Three Rivers Public Health Department assumes responsibility for any damage sustained by the Wahoo Fire and Rescue Department caused by the Three Rivers Public Health Department or by any person on the premises during the implementation of large-scale disease control measures including mass dispensing, distribution and vaccination by Three Rivers Public Health Department.
4. **RELEASE OF LIABILITY:** The Three Rivers Public Health Department agrees to hold the Wahoo Fire and Rescue Department harmless from any damage or injury sustained by any person during the implementation of large-scale disease control measures including mass dispensing, distribution and vaccination by the Three Rivers Public Health Department.

It is agreed that nothing contained herein is intended or should be construed in any manner as creating or establishing a partnership or joint venture. Any human resources loaned by the organization for administering medication shall not be

deemed as employees, agents or contractors of the Three Rivers Public Health Department for any purpose whatsoever, including but not limited to wages or salaries, insurance benefits, or other benefits.

Following a public health emergency, this Letter of Concurrence will be reviewed by both the Three Rivers Public Health Department and the Wahoo Fire Department. If agreeable at the time of the review, this Letter may be extended. Any necessary adjustments to reflect the expectations of each entity should be made at that time. In addition to this scheduled review, at any time there are organization changes that may impact the expectations of this Letter they will be conveyed to the contacts identified by this Letter as soon as possible.

To maximize efficiency, the Three Rivers Public Health Department and the Wahoo Fire and Rescue Department intend to designate the following individuals to serve as primary contacts for all significant communication between each entity.

IN WITNESS THEREOF each entity declares these intentions on the date as evidenced.

**Three Rivers Public Health Department**

\_\_\_\_\_  
Sign Date

\_\_\_\_\_  
Print Name, Title Date

**Wahoo Fire and Rescue Department**

\_\_\_\_\_  
Sign Date

\_\_\_\_\_  
Print Name, Title Date

# Item 5



**B&Z Storage**  
Saunders County, Nebraska, 2.8 AC +/-

