

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, and Stuart Krejci. Absent: Jim Svoboda, Kevin Dunbar.

The Mayor presented proclamations, declaring April 24, 2015 Arbor Day and May 3-9, 2015 Municipal Clerk's Week.

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

1. Excused absence of Svoboda and Dunbar
2. Minutes of the April 9, 2015 meeting of the Mayor and Council
3. Plumbers: Ronald Benes, Ron's Plumbing, Heating & Air, Brainard; Tim Hier, Hier's Plumbing, Hallam. HVAC: Ronald Benes, Ron's Plumbing, Heating & Air, Brainard; Josh Kasischke, K & S Mechanical LLC, Wahoo. Electrician: Bernard Carritt, Triple A Electric, Wahoo.

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

Tyler reported the Board of Public Works met, working on rate agreement for OSC and authorized 5-year natural gas purchasing.

The Community Development Agency convened at 7:04 p.m. Harrell explained that Area #8 was previously identified as blighted and substandard. A general redevelopment plan to develop the property in compliance with the comprehensive plan and zoning regulations was prepared.

The following resolution, **Resolution No. 2015-05** was introduced by Kavan, who moved for its approval, seconded by Tyler:

"WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska (the **"City"**), upon the recommendation of the Planning Commission of the City (the **"Planning Commission"**), and in compliance with all public notice requirements imposed by Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the **"Act"**), duly declared the redevelopment area described on Attachment 1 (the **"Redevelopment Area"**) to be blighted and substandard and in need of redevelopment;

WHEREAS, a general redevelopment plan (the **"Redevelopment Plan"**) for the Redevelopment Area has been prepared for and on behalf of the Community Development Agency of the City (the **"Agency"**) in the form attached as Attachment 2 in accordance with Section 18-2111 of the Act;

WHEREAS, the Agency 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; and

WHEREAS, it is necessary, desirable, and advisable, that the Agency recommend the Redevelopment Plan to the Mayor and Council of the City for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA AS FOLLOWS:

Section 1. The Agency hereby recommends that the Redevelopment Plan be approved by the Mayor and Council of the City. The Secretary of the Agency is hereby instructed to forward the Redevelopment Plan to the Planning Commission for review. Upon receipt of the written recommendations of the Planning Commission, or, if no such recommendations are received within thirty days of the submission of the Redevelopment Plan to the Planning Commission, then without such recommendations, the Secretary of the Agency is hereby instructed to deliver a copy of this Resolution to the Clerk of the City for review and consideration by the Mayor and Council of the City.

Section 2. All prior resolutions of the Agency in conflict with the terms and provisions of this Resolution are hereby expressly repealed to the extent of such conflicts.

Section 3. This Resolution shall be in full force and effect from and after its passage.”

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

David Mitchell, attorney for Sid Dillon Wahoo, Inc., addressed the Council. The specific redevelopment project, to bring the 4.88 acre parcel out of blight and substandard status was reviewed. Krejci questioned the division of the tax capture. Harrell explained \$200,000 would go to Sid Dillon Wahoo toward their development costs; \$305,000 would go to the City to reimburse full cost of J Road improvements; any additional tax capture during the 15-year period would then go to Sid Dillon.

Council Member Kavan introduced the following resolution, **Resolution 2015-06**, and moved for its approval, seconded by Lawver.

“WHEREAS, the Community Development Agency of the City of Wahoo, Nebraska (the **“Agency”**), in furtherance of the purposes and pursuant to Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the **“Act”**), has recommended approval of a general redevelopment plan in the form attached as Attachment 1 (the **“Redevelopment Plan”**), for a redevelopment area of the City of Wahoo, Nebraska (the **“City”**), described in Attachment 2 (the **“Redevelopment Area”**);

WHEREAS, pursuant to and in furtherance of the Act, the Agency 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 that portion of the Redevelopment Area described in Attachment 4 (**“Project Area”**);

WHEREAS, pursuant to the Plan Amendment, the Agency or the City would agree to incur indebtedness for the purposes specified in the Plan Amendment, in accordance with and as permitted by the Act;

WHEREAS, the City has previously adopted and 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; and

WHEREAS, the Agency has made certain findings and pursuant thereto has determined that it is in the best interests of the City to approve the Plan Amendment and to carry out the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA AS FOLLOWS:

Section 1. The Agency has determined that the proposed land uses and building requirements in the Redevelopment 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 2. The Agency has conducted a cost benefit analysis for the Project in accordance with the Act, and has found and hereby finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the City.

Section 3. The Agency hereby recommends approval of the Plan Amendment, following publication of notice and a public hearing with respect to the Plan Amendment pursuant to the Act.

Section 4. The Chair and Secretary are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out this Resolution.

Section 5. All prior resolutions of the Agency in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 6. This resolution shall be in full force and effect from and after its passage and approval.”

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

The cost benefit analysis was reviewed. Motion by Lawver, seconded by Krejci, to approve the cost benefit analysis for the project as submitted. Roll call vote: Lawver, yes; Krejci, yes; Tyler, yes; and Kavan, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

Motion by Lawver, seconded by Kavan, to adjourn as the Community Development Agency and reconvene as Council. Roll call vote: Lawver, yes; Kavan, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

The Council reconvened at 7:23 p.m.

The public hearing on the amendment of the Ordinance 1886, the Wahoo Zoning Ordinance, Article 7, Section 7.11, Tower Regulations, opened at 7:24 p.m. Travis Beavers explained the proposed change in setbacks and separation of towers, and the information gathered from other communities. Fencing requirements were discussed. No comments from the public were presented. A motion was made by Kavan, seconded by Lawver, to close the public hearing at 7:34 p.m. Roll call vote: Kavan, yes; Lawver, yes; Tyler, yes; and Krejci, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

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 Ordinance No. 2182 be approved on first reading. 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; and Krejci, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

The Mayor reported additional work needs to be done for review of the Liberty House conditional use permit, and requested Council action to extend the Conditional Use, which ends April 30, 2015, to May 30, 2015. A motion was made by Krejci, seconded by Tyler, to approve extension of the Conditional Use to May 30, 2015. Roll call vote: Krejci, yes; Tyler, yes; Kavan, yes; and Lawver, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

Lawver stated a conflict of interest on upcoming agenda items, which would require him to abstain from voting.

A motion was made by Kavan to accept the Bids for J Road improvements, seconded by Krejci. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; Lawver, abstain. Absent and not voting: Svoboda, Dunbar. Motion carried.

A motion was made by Kavan, seconded by Krejci, to approve, and authorize Mayor to sign, contract for construction of J Road improvements with M E Collins Contracting Inc. Roll call vote: Kavan, yes; Krejci, yes; Tyler, yes; and Lawver, abstained. Absent and not voting: Svoboda, Dunbar. Motion carried.

A motion was made by Tyler, seconded by Kavan, to approve, and authorize the Mayor to sign, contract with JEO Consulting Group for construction observation of J Road improvements. Roll call vote: Tyler, yes; Kavan, yes; Krejci, yes; and Lawver, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

A motion was made by Lawver, seconded by Krejci, to approve, and authorize Mayor to sign, contract for materials testing with Thiele Geotech for J Road improvements. Roll call vote: Lawver, yes; Krejci, yes; Kavan, yes; and Tyler, yes. Absent and not voting: Svoboda, Dunbar. Motion carried.

No audience comments were presented.

The Mayor reported on the tour of City Hall, and reminded Council members of the Emergency Management meeting on Wednesday, April 29, at 1:00 p.m. or 7:00 p.m. at the Law Enforcement Center.

Lawver commented on several nuisance issues.

Motion by Kavan, seconded by Lawver, to adjourn at 7:47 p.m.

Approved:

Melissa M. Harrell, City Clerk

Loren L. Lindahl, Mayor