

The Council met in regular session at the Wahoo Public Library, 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 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: Mike Lawver, Greg Kavan, Patrick Nagle, Stuart Krejci, Karen Boop, and Carl Warford. Absent: none.

Department head reports provided. Beavers reported several of the Laurelbrook houses have had final inspections, there is new commercial construction at Airpark, and he is working with Larry Cuda on his subdivision. Harrell reported the auditors will be here next week. Application has been submitted for Covid Relief funds for payroll of emergency responders/police. Design information from Olsson should be ready soon for trail and Wahoo creek bridge work FEMA projects. Harrell has been communicating with NDOT about updating traffic counts on the Expressway/109 area.

The Board of Public Works will meet next week. Street Committee and Finance Committee will meet next week.

A motion was made by Nagle, seconded by Lawver, to approve the consent agenda, including:

1. Minutes of October 22, 2020 meeting of Council
2. Minutes of October 21, 2020 meeting of Board of Public Works
3. Minutes of October 27, 2020 meeting of Board of Adjustments

Roll call vote: Nagle, yes; Lawver, yes; Kavan, yes; Krejci, yes; Boop, yes; and Warford. Absent and not voting: none. Motion carried.

No action on tabled items.

The Mayor declared the City Council meeting in recess at 7:07 p.m.

The Community Development Agency convened at 7:07 p.m.

Hearing was held regarding the substantial modification of the General Redevelopment Plan for a redevelopment area, a redevelopment project, cost benefit analysis, and a redevelopment contract. Harrell discussed the process of application for Tax Increment Financing and the role of the Planning Commission, Community Development Agency, and City Council. The Colony Condos Phase II project will construct 18 residential units, in phases. The property has been vacant for many years. Documents were discussed. No public comments received.

Resolution No. CDA 2020-01, to approve and recommend to the City Council on the redevelopment plan amendment and cost benefit analysis, was introduced by Krejci, who moved for approval, seconded by Kavan, as follows:

“RECITALS

- A. The City of Wahoo, Nebraska (“City”) has adopted a redevelopment plan for certain areas of the City (“Redevelopment Plan”).
- B. The Community Development Agency of the City of Wahoo, Nebraska (“CDA”), in furtherance of the purposes and pursuant to the provisions of the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2154, as amended, (the “Act”), has prepared an

amendment to the Redevelopment Plan in the form attached as Exhibit "A" ("Redevelopment Plan Amendment").

C. The Redevelopment Plan Amendment would create a redevelopment project in the Redevelopment Area on property described in the Redevelopment Plan Amendment identified as the Colony Condos Phase II Redevelopment Project (the "Project").

D. The Project would use Tax Increment Financing pursuant to Section 18-2147 of the Act to assist in paying for the costs of certain eligible public improvements authorized by the Act and more particularly set forth in the Redevelopment Plan Amendment.

E. The CDA is required under Section 18-2113(2) of the Act to conduct a cost benefit analysis for a redevelopment project which will use Tax Increment Financing.

F. The CDA has conducted a cost benefit analysis for the Project, and said cost benefit analysis is attached to the Redevelopment Plan Amendment as Exhibit "C" (the "Project Cost Benefit Analysis").

G. The CDA has determined that the Project would not occur in the Redevelopment Area and could not be financed or constructed but for the use of Tax Increment Financing.

H. Statements of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenue from its disposal to redevelopers, the proposed method of financing the redevelopment project, and a feasible method proposed for the relocation of families to be displaced from the redevelopment project area, if applicable, are set forth in the Redevelopment Plan Amendment and the Project Cost Benefit Analysis.

NOW THEREFORE, BE IT RESOLVED, by the CDA, as follows:

1. The cost and benefits set forth in the Project Cost Benefit Analysis have been found to be in the long-term best interest of the City.

2. The CDA hereby approves the Project Cost Benefit Analysis as the cost benefit analysis of the Project.

BE IT FURTHER RESOLVED, by the CDA, as follows:

1. The Redevelopment Plan Amendment is in conformance with the general Comprehensive Plan of the City of Wahoo.

2. The Redevelopment Plan Amendment will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight, in the City of Wahoo.

3. The Redevelopment Plan Amendment is in conformance with the Act.

4. The Project would not be economically feasible and would not occur in the Redevelopment Area without the use of Tax Increment Financing.

5. The CDA hereby approves the Redevelopment Plan Amendment and recommends approval and adoption by the City Council of the City of Wahoo."

Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Resolution No. CDA 2020-02 to approve the form of Redevelopment Agreement, subject to the City Council's approval of the Redevelopment Plan Amendment and Redevelopment Agreement, was introduced by Krejci, who moved for approval, seconded by Kavan, as follows:

“RECITALS

A. The City of Wahoo, Nebraska (“City”) has adopted a redevelopment plan for certain areas of the City (“Redevelopment Plan”).

B. The Community Development Agency of the City of Wahoo, Nebraska (the “CDA”) approved and adopted an amendment to the Redevelopment Plan (“Redevelopment Plan Amendment”) for the Colony Condos Phase II Redevelopment Project (the “Project”) pursuant to the Nebraska Community Development Law Neb. Rev. Stat. §§ 18-2101 et seq. (the “Act”).

C. The CDA shall submit the Redevelopment Plan Amendment to the City Council of the City of Wahoo for final approval and adoption pursuant to the Act.

D. The CDA has prepared the Redevelopment Agreement by and between the CDA and Colony Condos Phase II, LLC, a Nebraska limited liability company (“Redeveloper”), that will implement and govern the Project (the “Redevelopment Agreement”). The Redevelopment Agreement is attached as Attachment “A” and incorporated herein by this reference.

E. The Project would use tax increment financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain eligible public improvements authorized by the Act and identified in the Amendment to the Redevelopment Plan and the Redevelopment Agreement.

NOW, THEREFORE, BE IT RESOLVED, the Community Development Agency of the City of Wahoo, Nebraska does hereby approve and adopt the Redevelopment Agreement.

BE IT FURTHER RESOLVED, that the CDA is hereby authorized to issue TIF Indebtedness in an amount not to exceed the TIF Indebtedness amount authorized in the Redevelopment Agreement, in the form of the TIF Note attached to the Redevelopment Agreement. Such TIF Indebtedness shall be repaid solely from the Tax Increment created by the Project and shall not represent the general obligation of the CDA nor the City of Wahoo.

BE IT FURTHER RESOLVED, that the CDA hereby authorizes its Chair to execute and deliver the Redevelopment Agreement and to take all such other actions contemplated and required by the Redevelopment Agreement and to fulfill the resolutions set forth above.

BE IT FURTHER RESOLVED, the CDA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

BE IT FURTHER RESOLVED, the foregoing resolutions are subject to and contingent upon the City Council’s approval and adoption of the Redevelopment Plan Amendment, and if the City Council does not approve and adopt the Redevelopment Plan Amendment, the resolutions contained herein shall be void and of no effect.”

Roll call vote: Krejci, yes; Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

The Community Development Agenda adjourned at 7:16 p.m.

The Council reconvened at 7:16 p.m.

Motion by Kavan, seconded by Lawver, to table action on the 2019 approaches and curb ramp project. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes, and Warford, yes. Absent and not voting: none. Motion carried.

Warford reported the compressed air system proposed for the Fire Department is for charging air brakes on the equipment; this is separate from the compressor for the air packs. This was included in the budget. Motion by Kavan, seconded by Lawver to approve purchase by the Wahoo Volunteer Fire Department and installation of an in-station compressed air system. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

The Fire Department has requested that a 1974 Ford crew cab pickup be declared surplus and sold. Resolution No. 2020-21, declaring property as surplus and authorizing disposition was introduced by Kavan, who moved for approval, seconded by Nagle, as follows:

“WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described personal property, to wit:

1974 Ford 6-man crew cab pickup VIN F26 YGU 2432 5 Value: less than \$5,000

and,

WHEREAS, the City of Wahoo, Nebraska, does not have a present need to retain ownership of said above described personal property, and,

WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,

WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is less than \$5,000.00, as stated in the attached Exhibit “A”

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

1. That the above described personal property be sold by either sealed bid and/or public auction on a date, time, as advertised in a Notice of Sale of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the sale of said items, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,

2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required.

3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold “as is” without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer’s possession of said items of personal property.

4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item.”

Roll call vote: Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Conditional Use Permit for auto service and repair at 215 West 1st Street was discussed. David Voboril was present. Beavers reported he and the police department are working with the business on unlicensed vehicles and cleanup of the property. Review in one year was recommended.

Ordinance No. 2358 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO EXTEND CONDITIONAL USE, AUTO SERVICE AND REPAIR, IN NRC DISTRICT, 215 WEST 1ST STREET, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2358 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2358 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Nagle 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: Lawver, yes; Nagle, yes; Krejci, yes; Boop, yes; Warford, yes; and Kavan, yes. Absent and not voting: none. 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. 2358 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2358 be approved and passed and its title agreed to. Council Member Krejci seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

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

Conditional Use Permit for Auto sales in NRC at 1159 N Chestnut was discussed. This was set for one-year review when a new tenant moved in. Beavers reported no issues since accumulated parts have been cleaned up. It was noted the sign was changed without a permit. Review in one year was recommended.

Ordinance No. 2359 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO EXTEND A CONDITIONAL USE, AUTO SALES IN NRC DISTRICT, 1159 N CHESTNUT STREET, was introduced by Lawver. The Mayor then instructed the Clerk to read Ordinance No. 2359 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2359 by title.

Council Member Lawver moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Warford 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: Lawver, yes; Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. 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. 2359 may be read by title and moved for final passage in the same meeting.

Council Member Lawver moved that Ordinance No. 2359 be approved and passed and its title agreed to. Council Member Warford 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; Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; and Boop, yes. Absent and not voting: none. Motion carried.

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

Conditional Use Permit for Child Care Center in NRC at 754 West 9th Street was reviewed. Beavers noted some concerns about traffic during pickup and drop off initially, but no issues since that time. Review in two years was recommended.

Ordinance No. 2360 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO EXTEND A CONDITIONAL USE, CHILD CARE CENTER, IN NRC DISTRICT, 754 W 9TH STREET, was introduced by Kavan. The Mayor then instructed the Clerk to read Ordinance No. 2360 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2360 by title.

Council Member Warford moved that the statutory rules in regard to the passage and adoption of ordinances be suspended so the said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Council Member Krejci 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; Krejci, yes; Boop, yes; Lawver, yes; Kavan, yes; and Nagle, yes. Absent and not voting: none. 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. 2360 may be read by title and moved for final passage in the same meeting.

Council Member Kavan moved that Ordinance No. 2360 be approved and passed and its title agreed to. Council Member Krejci seconded the motion. The Mayor instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Kavan, yes; Krejci, yes; Boop, yes; Warford, yes; Lawver, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

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

The Conditional Use Permit for a Beer Garden in C-1 at 128 West 5th Street was discussed. Beavers noted the property is currently closed, and is for sale. It was noted at the time the use was approved, the fence was to be constructed so utility meters were accessible at all times; one meter is outside the fence but others must be accessed through a gate; also the fence was erected without a building permit. Lausterer confirmed that if a conditional use is discontinued for 12 months, the permit lapses. If the Conditional use is not extended, and the business reopens, they could not operate the beer garden. Beavers will investigate when the business closed, and advise the owners of the problems with the fence.

Motion was made by Warford, seconded by Kavan, to deny continuation of the Conditional Use Permit for beer garden at 128 West 5th Street. Roll call vote: Warford, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Motion was made by Krejci, seconded by Nagle, to approve renewal of group dental, life and long term disability insurance with Principal Financial Group for City of Wahoo employees, effective January 1, 2021. Roll call vote: Krejci, yes; Nagle, yes; Boop, yes; Warford, yes; Lawver, abstained; and Kavan, yes. Absent and not voting: none. Motion carried.

Harrell reported that the Bylaws of LARM (League Association of Risk Management) require that governing bodies ratify the actions of their representatives at meetings; this ensures that the governing body is aware of actions taken. Motion by Lawver, seconded by Kavan, to ratify actions of Melissa Harrell, Wahoo's LARM representative, at the meeting held October 22, 2020, including election of nominees to the LARM Board of Directors. Roll call vote: Lawver, yes; Kavan, yes; Nagle, yes; Krejci, yes; Boop, yes; and Warford, yes. Absent and not voting: none. Motion carried.

Specifications for a used loader for the Street Department were reviewed. Jansa noted the old Dresser loader was declared surplus. This purchase is included in the budget. Motion by Warford, seconded by Nagle, to approve the specifications and purchase of a used wheel loader for the Street Department. Roll call vote: Warford, yes; Nagle, yes; Krejci, yes; Boop, yes; Lawver, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Traffic study of the intersection of 15th and Chestnut was discussed. The Street Committee recommended this study; once data is gathered, traffic control at the intersection will be reviewed. Motion by Lawver, seconded by Krejci, to authorize a traffic study by JEO Consulting Group. Roll call vote: Lawver, yes; Krejci, yes; Boop, yes; Warford, yes; Kavan, yes; and Nagle, yes. Absent and not voting: none. Motion carried.

Members commented Wahoo was fortunate to not have severe storm damage from the recent ice storm. Utilities sent two linemen to provide assistance at other communities.

Kavan reported he has received complaints about traffic/parking problems around Mrs. H's day care on Broadway. Staff will check on this and contact the management.

Boop asked about the failure of the motion in the Board of Adjustment minutes; Lausterer advised passage of a motion requires super-majority for the Board of Adjustment. The variance request was discussed; Beavers reported there were other options for the floor plan, and the applicant does not own the property yet.

The second meeting in November will be held on Tuesday, November 24th.

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

Approved:

Lucinda Morrow, Clerk

Gerald D. Johnson, Mayor