

The Council met in special session at the Wahoo Public Library, in compliance with agenda posted at City Hall, Post Office and First Bank of Nebraska, and the City of Wahoo web site, with each Council member being notified of agenda prior to the meeting. The meeting was called to order by Acting Mayor/President of the Council Stuart Krejci 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. Mayor Gerald Johnson attended through video/zoom link due to quarantine, as provided under Executive Order 20-34 issued October 30, 2020.

Lawver noted several items discussed by the Street Committee are on the agenda. Krejci reported the Finance Committee met. The Board of Public Works budget hearing will be on the next Council agenda.

A motion was made by Warford, seconded by Kavan, to approve the consent agenda, including:

1. Minutes of November 12, 2020 meeting of Council
2. Minutes of November 5, 2020 meeting of Planning Commission
3. Minutes of November 16, 2020 meeting of Board of Public Works
4. Licenses\_PLUMBERS: Stuart Way, AWS Well Co; Matthew Duden, DG Plumbing LLC; Jeff Adair, HandiJeff, Inc; Duane Bradley, Bradley Bros Plumbing; Douglas Loftus, Loftus Septic Pumping & Construction; Timothy Wiebelhaus, EcoWater Systems. HVAC: Robert Derby, Derby's Heating & Air Inc. ELECTRICIANS: Justin Peacock, Delta Electric.

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

Public hearing opened at 7:04 p.m. regarding amendment of Redevelopment Plan for Area #1 for Colony Condos Phase II project. Harrell reported notices were issued as provided by law, by certified mail to the affected entities, and by notices in the newspaper. No public comments were offered. Motion by Warford, seconded by Lawver, to close the public hearing at 7:05 p.m. Roll call vote: Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

Resolution No. 2020-22, to approve amendment of the redevelopment plan for Area #1 for the Colony Condos Phase II redevelopment project and cost benefit analysis, was introduced by Lawver, who moved for approval, seconded by Kavan, as follows:

**“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #1 IN THE CITY OF WAHOO FOR THE COLONY CONDOS PHASE II REDEVELOPMENT PROJECT.**

RECITALS

A. The Community Development Agency of the City of Wahoo, Nebraska (the “CDA”) has recommended that the Redevelopment Plan for the City of Wahoo, a copy of which is on file and available for public inspection with the City Clerk (“Redevelopment Plan”) should be amended for the redevelopment of certain property within the Redevelopment Area identified in the proposed amendment to the Redevelopment Plan.

B. A copy of the proposed amendment to the Redevelopment Plan (“Redevelopment Plan Amendment”) for the Colony Condos Phase II Redevelopment Project (the “Project”) is on file and available for inspection with the City Clerk.

C. The Project will use tax increment financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain public improvements on the Project Site and/or the Redevelopment Area, as more particularly described in the Redevelopment Plan Amendment;

D. The CDA submitted the question of whether the Redevelopment Plan Amendment should be recommended to the City Council to the Planning Commission of the City of Wahoo.

E. The Planning Commission recommended the approval of the Amendment to the Redevelopment Plan on November 5, 2020.

F. On November 24, 2020 the City Council of the City of Wahoo, Nebraska held a public hearing to determine whether the Redevelopment Plan Amendment should be approved. All interested parties were afforded a reasonable opportunity to express their views on the issue at the public hearing.

G. The City Council has reviewed the Redevelopment Plan Amendment, the cost-benefit analysis prepared by the CDA and attached to the Redevelopment Plan Amendment, and the recommendations of the Planning Commission, and has duly considered all statements made and materials submitted related to the submitted question.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wahoo, Nebraska, in accordance with the Act, as follows:

1. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.

2. The Redevelopment Plan Amendment will, in accordance with the present and future needs of the City of Wahoo, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

3. The Redevelopment Plan Amendment is feasible and is in conformance with the general plan for development of the City of Wahoo as a whole, as set forth in the City of Wahoo Comprehensive Plan, as amended.

4. The Project would not be economically feasible without the use of tax increment financing, would not occur in the Redevelopment Area without the use of tax increment financing, and the costs and benefits of the Project are in the long-term best interest of the community.

BE IT FURTHER RESOLVED, pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the City Council does hereby approve and adopt the Redevelopment Plan Amendment.”

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

Resolution No. 2020-23, to approve the redevelopment agreement for the Colony Condos Phase II project, was introduced by Kavan, who moved for approval, seconded by Nagle, as follows:

**“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA APPROVING THE REDEVELOPMENT AGREEMENT FOR THE COLONY CONDOS PHASE II REDEVELOPMENT PROJECT AND AUTHORIZING THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO TO ENTER INTO SAID AGREEMENT AND ISSUE TAX INCREMENT FINANCING INDEBTEDNESS FOR THE REDEVELOPMENT PROJECT.**

**RECITALS**

A. The City Council of the City of Wahoo, Nebraska (“City”) has adopted a redevelopment plan for certain areas located in the City pursuant to the Nebraska

Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 et seq. (the “Act”).

B. The Redevelopment Plan, as amended, includes a specific redevelopment project identified as the Colony Condos Phase II Redevelopment Project (“Project”) that will utilize tax increment financing pursuant to Neb. Rev. Stat. § 18-2147.

C. On November 12, 2020, the Community Development Agency of the City of Wahoo (the “CDA”) approved the Redevelopment Agreement for the Project between the CDA and Colony Condos Phase II, LLC, a Nebraska limited liability company (the “Redevelopment Agreement”), a copy of which is on file and available for public inspection with the City Clerk.

D. The City Council has reviewed the Redevelopment Agreement and has found it to be in conformity with the Act and the general plan for development of the City of Wahoo, and in the best interests of the City of Wahoo.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wahoo, Nebraska that the Redevelopment Agreement is hereby approved.

BE IT FURTHER RESOLVED, that the CDA is hereby authorized to negotiate the terms and conditions of the Redevelopment Agreement, and to execute and deliver the Redevelopment Agreement with such changes, modifications, additions and deletions therein as the CDA and its legal counsel shall deem necessary, desirable or appropriate.

BE IT FURTHER RESOLVED, that the CDA of the City of Wahoo is hereby authorized to take all actions contemplated by the Redevelopment Agreement including, without limitation, to issue indebtedness pursuant to the terms of 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 all Resolutions or parts thereof in conflict with the provisions of this Resolution or to the extent of such conflicts, are hereby repealed.”

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

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

Harrell reported on the Engineer’s opinion of cost and proposed timetable of the project. If approved, bid opening would be January 5, 2021, and upon approval by Council, expected completion would be in October of 2021. The project includes some alternates and restrictions due to school session, sports schedules, and Safe Routes to School project.

Motion by Lawver, seconded by Nagle, to approve the plans and specifications for the 2019 approaches and curb ramp project and authorize calling for bids. Roll call vote: Lawver, yes; Nagle, yes; Boop, yes; Warford, yes; Krejci, yes; and Kavan, yes. Absent and not voting: none. Motion carried.

Motion by Kavan, seconded by Lawver, to authorize staff to proceed with securing any temporary or permanent easements for the 2019 approaches and curb ramp project. Roll call vote: Kavan, yes; Lawver, yes; Nagle, yes; Boop, yes; Warford, yes; and Krejci, yes. Absent and not voting: none. Motion carried.

No action on the remaining tabled items.

Board of Health action Order 2020-03 was reviewed by the Council. Lausterer reported the Wahoo Board of Health (members: President of the Council Krejci; Mayor Johnson; City Administrator Harrell; Police Chief Ferrell; and Dr. Hank Newburn) met on November 23, 2020 and unanimously approved Order 2020-03, a mask mandate, in keeping with recent actions by Omaha, Lincoln-Lancaster County, Grand Island, Kearney, and Beatrice, among others. This action became effective immediately, however

provided for the City Council to either reaffirm or void the Order through passage of an ordinance. Dr. Newburn, Harrell, Chief Ferrell, Terra Uhing of Three Rivers Public Health, Mayor Johnson, and Theresa Klein of the Wahoo Chamber addressed the Council, urging approval of an ordinance ratifying the mandate, and stating reasons for their support. Council members discussed the Board of Health action.

Ordinance No. 2361 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, REQUIRING FACE COVERINGS BE WORN IN PREMISES THAT ARE OPEN TO THE GENERAL PUBLIC THROUGH JANUARY 4, 2021, was introduced by Lawver. The President of the Council then instructed the Clerk to read Ordinance No. 2361 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2361 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 Krejci seconded said motion. The President of the Council 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; Krejci, yes; Kavan, no; Nagle, no; Boop, no; and Warford, yes. Absent and not voting: none. Motion failed.

Council Member Lawver moved that Ordinance No. 2361 be approved and passed on first reading and its title agreed to. Council Member Krejci seconded the motion. The President of the Council instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Lawver, yes; Krejci, yes; Kavan, no; Nagle, no; Boop, no; Warford, yes; and Mayor Johnson, yes. Absent and not voting: none. Motion carried.

Lausterer noted the Board of Health Action 2020-03 is in effect. Second reading of the Ordinance will be held at the next meeting.

Kevin Stuhr provided his proposed project list for the 2020-21 fiscal year to improve park and civic center facilities which would utilize the local option half cent sales tax. He asked the Council to approve moving forward with plans for these projects. Motion was made by Kavan, seconded by Nagle, to approve staff proceeding with plans for improvements of recreation facilities as outlined. Roll call vote: Kavan, yes; Nagle, yes; Boop, yes; Warford, yes; Krejci, yes; and Lawver, yes. Absent and not voting: none. Motion carried.

Pay Application No. 28 to M E Collins in the amount of \$172,244.88 for Chestnut Street improvements was reviewed. Motion by Kavan, seconded by Warford, to approve Pay Application No. 28 as presented. Roll call vote: Kavan, yes; Warford, yes; Krejci, yes; Nagle, yes; Boop, yes; and Lawver, abstained. Absent and not voting: none. Motion carried.

An ordinance to amend the Municipal Code to revise penalties included in Chapter 96, Section 96.20, was discussed.

Ordinance No. 2362 entitled: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE MUNICIPAL CODE CHAPTER 96, SECTION 96.20, PENALTY FOR VIOLATION, was introduced by Warford. The President of the Council then instructed the Clerk to read Ordinance No. 2262 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2362 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 Lawver seconded said motion. The President of the Council 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; Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Krejci, 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 President of the Council declared the statutory rules in regard to the passage and approval of ordinance be suspended so that Ordinance No. 2362 may be read by title and moved for final passage in the same meeting.

Council Member Warford moved that Ordinance No. 2362 be approved and passed and its title agreed to. Council Member Lawver seconded the motion. The President of the Council instructed the Clerk to call the roll for the vote and the following was the vote on this motion: Warford, yes; Lawver, yes; Kavan, yes; Nagle, yes; Boop, yes; and Krejci, 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 President of the Council 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 President of the Council 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.

No audience comments were presented.

Upcoming meeting dates are December 10 and December 22, 2020.

Motion by Lawver, seconded by Warford, to adjourn at 7:57 p.m.

Approved:

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Lucinda Morrow, Clerk

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Stuart Krejci, President of the Council/Acting Mayor