

The Council met in regular session in the Wahoo City Hall, 605 North Broadway Street, 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 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: Ryan Ideus, Patrick Nagle, Karen Boop, and Carl Warford. Absent: Stuart Krejci and Chris Rappl.

The Mayor asked for audience comments on items not on the agenda, and none were offered.

Steve Parr, Street Superintendent for the City of Wahoo, of JEO at 1937 N Chestnut, was present to explain proposed updates to the One and Six Year Road Plan. He indicated there will be a public hearing on the plan in September.

Monthly reports were given by Ryan Hurst, Utility General Manager and Denise Lawver, Library Director. Denise reminded everyone that Janet Maly is retiring this Friday and thanked her for her many years of great service to the City and Library.

A motion was made by Warford, seconded by Boop to approve the following items listed on the consent agenda: 1) Excuse Council Members Stuart Krejci and Chris Rappl from attendance at this meeting; 2) Minutes of July 6, 2021 Meeting of Council; 3) Minutes of July 13, 2021 Library Meeting; 4) Appointments made by the Mayor to the following boards: Glenn Wilcox – Board of Adjustments, Louis Austin – Board of Adjustments Alternate, Jason Gabel – Planning Commission, Bill Reese – Planning Commission, and Chris Rappl – Board of Public Works. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

There was no action taken on the public hearing on application to rezone property (Lots 1 and 2, Block 95, County Addition – known as 657 East 13<sup>th</sup> St.) from R-2 to R-3 Residential. This item remains tabled with the Public Hearing open.

The Mayor opened the public hearing at 7:45 pm, on a proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, by adding Accessory Class I Liquor Sales as a Conditional Use within certain districts. He called for comments from the public and none were presented. Motion by Warford, seconded by Boop to close the public hearing at 7:46 pm. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

**Ordinance No. 2372** was introduced by Warford, seconded by Nagle. The Mayor then instructed the Clerk to read Ordinance No. 2372 of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2372 by title: AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE WAHOO ZONING ORDINANCE, BY THE MODIFICATION OF REQUIRING ALL COMMERCIAL ESTABLISHMENTS WHOSE PRINCIPAL BUSINESS IS NOT AS A BAR OR RESTAURANT TO OBTAIN A CONDITION USE PERMIT FROM THE CITY PRIOR TO SELLING ALCOHOL ON PREMISES. The Mayor then instructed the Clerk to call the roll on first reading of the ordinance. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

The Mayor opened the public hearing on a proposed amendment to the City's zoning regulations for accessory structures at 7:58 p.m. Travis Beavers, Building and Zoning Administrator, explained the proposed amendment was an administrative clean up in the regulation that would eliminate a loophole. Concern was expressed by the Council about the possibility of some structures become nonconforming. Motion by Warford, seconded by Ideus to close the public hearing at 8:03 pm. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

A motion was made by Warford, seconded by Nagle to table further discussion on the amendment until next Council meeting. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

The Mayor opened the public hearing at 8:05 p.m. on a resolution to authorize the City to issue bonds on behalf of the Community Action Partnership of Lancaster and Saunders Counties. Mike Rogers, City Bond counsel with Gilmore Bell at 450 Regency Way, Omaha, was present to explain how this bond issue would work. It was noted the City would not have any pecuniary responsibility from this issuance. Motion by Warford, seconded by Ideus to close the public hearing at 8:10 p.m. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

**Resolution No. 2021-07** was introduced by Warford, who moved for approval, seconded by Nagle, as follows:

**"WHEREAS**, the City of Wahoo, Nebraska (the **"Issuer"**) is a city of the second class and political subdivision of the State of Nebraska (the **"State"**);

**WHEREAS**, the Issuer is authorized by Sections 13-1101 to 13-1110, inclusive, Reissue Revised Statutes of Nebraska, as amended (the **"Act"**) to issue revenue bonds for the purpose of loaning the proceeds of such bonds to finance any land, building or equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, which shall be suitable for use as a nonprofit enterprise or the refinancing of outstanding debt of an enterprise incurred to finance such land, building, equipment, improvement or other properties;

**WHEREAS**, Community Action Partnership of Lancaster and Saunders Counties, a nonprofit corporation duly organized and validly existing under the laws of the State (the **"Borrower"**), has requested that the Issuer issue its Revenue Bond (Community Action Partnership of Lancaster and Saunders Counties Project), Series 2021, in a principal amount not to exceed \$3,500,000, (the **"Bond"**), and loan the proceeds thereof to the Borrower for the purpose of financing or reimbursing a portion of the costs of acquiring the properties at 1821 K Street, 1843 K Street, and 1800 J Street in Lincoln, Nebraska, for use in connection with the Borrower's nonprofit enterprise (the **"Project"**);

**WHEREAS**, the Issuer has agreed to (a) issue the Bond pursuant to a Loan Agreement (the **"Loan Agreement"**) among the Issuer, Borrower and Union Bank and Trust Company (the **"Purchaser"**), (b) loan the proceeds thereof to the Borrower pursuant to the Loan Agreement, and (c) sell the Bond to the Purchaser;

**WHEREAS**, the following documents will be prepared in connection with the issuance, sale and delivery of the Bond (collectively, the **"Financing Documents"**):

- (a) Loan Agreement; and

(b) Tax Compliance Agreement with respect to the Bond (the “**Tax Agreement**”), among the Issuer, the Borrower and the Purchaser, concerning compliance with the provisions of the Internal Revenue Code of 1986, as amended (the “**Code**”), and the applicable regulations thereunder.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA AS FOLLOWS:**

**ARTICLE I  
LEGAL AUTHORIZATION; FINDINGS; LIMITED OBLIGATIONS**

**Section 1.01. Legal Authorization.** The Issuer is a city and political subdivision of the State and is authorized under the Act to issue and sell the Bond for the purposes, in the manner and upon the terms and conditions set forth in the Act, in this Resolution, and in the Financing Documents.

**Section 1.02. Findings.** The Issuer has heretofore found and determined, and does hereby find and determine, as follows:

(a) Based entirely in reliance upon representations made to it by the Borrower in the Financing Documents, which representations the Borrower shall be deemed to have affirmed and ratified upon its execution of the Financing Documents, the Issuer does hereby find and determine the following:

(1) pursuant to Section 13-1105 of the Act, (1) the amount necessary to pay the principal of and the interest on the Bond is not to exceed \$3,500,000 and (2) no reserve fund is advisable to be established in connection with the financing and maintenance of the Project including taxes;

(2) the Borrower expects to operate the Project as an integral part of its overall operations for the foreseeable future;

(3) the Borrower is a private nonprofit corporation and is authorized by law to operate its facilities in the State; and

(4) a reasonable relationship exists between the Issuer and the Borrower by virtue of Borrower’s operations in the City of Wahoo, and between the Issuer and the Project because interest cost savings by the Borrower will have a positive impact on Borrower’s overall operations, including operations in the City of Wahoo.

(b) The Bond, when issued, will be a special, limited revenue obligation of the Issuer payable solely from the loan repayments and other money received from the Borrower under the Loan Agreement, and shall not be a general liability of the Issuer or a charge against its general credit.

(c) The Bond will not be a debt of the State, or any city, village, county or political subdivision of the State, and none of the State or any city, village, county or political subdivision of the State shall be liable on the Bond. The Bond shall not constitute a debt within the meaning of any constitutional or statutory debt limitation of the State. The Issuer’s taxing power is not pledged for repayment of the Bond.

**ARTICLE II**  
**AUTHORIZATION OF BOND**  
**APPROVAL OF FINANCING DOCUMENTS**

**Section 2.01. Authorization of Bond.**

(a) For the purpose of making a loan to the Borrower to pay the costs to finance the Project, and to finance funded interest and issuance costs related to the Bond, there are hereby authorized to be issued revenue bond of the Issuer in an aggregate principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000), in one or more series, to be designated "City of Wahoo, Nebraska, Revenue Bond (Community Action Partnership of Lancaster and Saunders Counties Project), Series 2021." The Bond shall (1) be issued in fully registered form in the denomination, (2) bear such date and interest rates, (3) mature and be payable as to principal or redemption price and interest at such place and in such form, (4) carry such registration privileges, (5) be subject to redemption and purchase prior to maturity, (6) be executed, (7) be in such form, and (8) contain such other terms, covenants and conditions as shall be set forth in the Loan Agreement. The Bond shall be sold to the Purchaser.

(b) The Bond shall be executed on behalf of the Issuer by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, who are authorized to execute, seal, attest and deliver the Bond on behalf of the Issuer.

**Section 2.02. Approval of Financing Documents.** The preparation of each proposed Financing Document is, in all respects, hereby approved, authorized, ratified, and confirmed, and the Mayor, the City Administrator/Treasurer or the City Clerk of the Issuer (each, an "**Authorized Officer**") are each separately and individually hereby authorized and directed to finalize, execute, acknowledge, and deliver each Financing Document, including counterparts thereof, in the name and on behalf of the Issuer. Each Financing Document shall be approved by an Authorized Officer of the Issuer executing the same, such execution thereof to constitute conclusive evidence of the Issuer's approval. From and after the execution and delivery of the Financing Documents by the Issuer, the officers, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents, certificates, and instruments as may be necessary to carry out and comply with the provisions of the Financing Documents.

**Section 2.03. Authority To Execute and Deliver Additional Documents; Further Authorizations.** Each Authorized Officer of the Issuer severally is hereby authorized to execute and deliver for and on behalf of the Issuer any and all additional certificates, documents and other papers and to perform all other acts as the party signing may deem necessary or appropriate to implement and carry out the purposes and intent of this Resolution, including the preamble hereto. Each Authorized Officer severally is hereby authorized to determine, in conjunction with authorized representatives of the Borrower: (a) the date of the Financing Documents and the Bond, (b) the aggregate principal amount of Bond to be issued, not to exceed the amount set forth in **Section 2.01** hereof, and the principal maturities thereof, (c) the interest rates to be carried by each principal maturity of the Bond or the manner of determining such interest rates, and (d) the dates upon which the Bond will be subject to redemption and purchase prior to maturity, and the amount of any redemption premium, if any.

**Section 2.04. Public Hearing Approval.** The notice of public hearing related to the issuance of the Bond was duly published and a public hearing pursuant to such notice has been conducted in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, and the City hereby approves the issuance of the Bond in the original aggregate face amount of not to exceed \$3,500,000 in one or more series, to finance the Project and to finance funded interest and issuance costs related to the Bond, all in accordance with the terms of such notice, which is attached hereto as **Exhibit A** and made a part hereof by reference.

### **ARTICLE III MISCELLANEOUS**

**Section 3.01. Limitation of Rights.** With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Bond is intended or shall be construed to give to any person, other than the Issuer, the Purchaser and the Borrower, any legal or equitable right, remedy or claim under or with respect to this Resolution or any covenants, conditions and provisions herein contained; this Resolution and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the Issuer, the Purchaser and the Borrower as herein provided.

**Section 3.02. Severability.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever.

**Section 3.03. Immunity of Officers.** No recourse for the payment of any part of the principal or redemption price of or interest on the Bond for the satisfaction of any liability arising from, founded upon or existing by reason of the issuance, sale and delivery of the Bond shall be had against any official, officer, member or agent of the Issuer or the State, all such liability to be expressly released and waived as a condition of and as a part of the consideration for the issuance, sale and delivery of the Bond.

**Section 3.04. Prior Resolutions.** To the extent that the provisions of this Resolution conflict with provisions of prior resolutions, or parts thereof, the provisions of this Resolution shall control, to the extent of such conflicts.

**Section 3.05. Captions.** The captions or headings in this Resolution are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Resolution.

**Section 3.06. Validity of Bond.** Each Bond shall contain a recital that such Bond is issued pursuant to and under the Act, and such recital shall be conclusive evidence of its validity and of the regularity of its issuance.

**Section 3.07. Electronic Transactions.** The transactions described herein may be conducted and this Resolution and related documents may be sent, received and stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

**Section 3.08. Effective Date.** This Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor and City Council of the Issuer.”

Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

A motion was made by Nagle to recommend approval of Krystal M. Carter as the new corporate manager of Casey’s to the Liquor Control Commission, seconded by Boop. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

A motion by Warford, seconded by Ideus to table the third reading of Ordinance No. 2370 until next meeting.

Ryan Hurst, Utility General Manager, was present and discussed a proposed partnership project with Gen Pro Solutions to build a 2 Mega-Watt solar farm that the Utilities Department would use to purchase green energy. This project would include a 30-year purchase power contract, with fixed energy costs, that would be blended into the cost of the power we purchase from NPPD. Motion by Ideus, seconded by Boop to authorize the Mayor to sign the Letter of Intent with Sol CES Projects, LLC. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

As requested by the Council, City staff drafted an ordinance that would set a policy on residential downtown parking. Melissa Harrell explained the plan, which included a tagging system and designated overnight parking areas. Several questions were brought forth. Bob Sloup at 1660 County Road J, said that something needed to be done and this has been an issue for a long time. Ordinance No. 2373 was introduced by Warford, seconded by Nagle. The Mayor then instructed the Clerk to read **Ordinance No. 2373** of the City of Wahoo, Nebraska. The Clerk thereupon read the aforesaid Ordinance No. 2373 by title: AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE VII: TRAFFIC CODE, CHAPTER 70. GENERAL PROVISIONS, SECTION 70.04 OFF STREET PARKING, OF THE WAHOO MUNICIPAL CODE, AND IN PARTICULAR, THE PORTION THEREOF PERTAINING TO DOWN TOWN PARKING. The Mayor then called for roll call vote on the first reading of Ordinance No. 2373: Warford, yes; Nagle, yes; Ideus, yes; Boop, yes. Rappl and Krejci, absent and not voting. Motion carried.

Motion by Ideus, seconded by Nagle to approve pay application No. 1 to M.E. Collins Contracting for \$139,687.97 for 2021 Intersection and Curb Ramp Improvements. Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting. Motion carried.

Mayor Johnson explained to the Council that he was made aware there have been meetings with various policy makers and NDOT regarding the Highway 77/92/109 intersection in response to the recent fatal accident at this intersection. It was noted that there is a petition distributed by private residents that has received thousands of signatures of support. If adopted, this resolution will be sent to State of Nebraska policy makers along with a similar resolution from Saunders County, to better unify our stance on the issue. **Resolution No. 2021-08** was introduced by Warford, who moved for approval, seconded by Ideus, as follows:

“WHEREAS, on Tuesday, July 20, 2021, the community of Wahoo and all of Saunders County suffered from a tragic loss of three individuals (children) involved in an accident at the intersection of Highways 77/92 and Highway 109, and

WHEREAS, on September 25, 2020, the community of Wahoo and all of Saunders County suffered from a tragic loss of two individuals (adults) involved in an accident at the intersection of Highways 77/92 and Highway 109, and

WHEREAS, the City of Wahoo Police Department (Police), Wahoo Fire Department (Fire), and Wahoo Emergency Medical Services (EMS) respond to any traffic accident at the intersection of Highways 77/92 and Highway 109, and

WHEREAS, the employees and volunteers of the City of Wahoo Police, Fire and EMS departments are members of Wahoo or surrounding communities and thus often personally know or know of the victims of the tragic accidents that have happened and will continue to happen at this intersection until a change is made. These victims attended our churches and schools, shopped at our local businesses, and are family members and friends of our employees and volunteers, and

WHEREAS, community members of the City of Wahoo and Saunders County are demanding a change be made to the design of the intersection of Highways 77/92 and 109 and have appealed to the City of Wahoo for assistance.

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

1. The City of Wahoo is fully supportive of and joins in the efforts of our citizenry in their demand for change and call to action of Nebraska Department of Transportation (NDOT) to investigate the layout or design of the intersection of Highway 77/92 and Highway 109;
2. The City of Wahoo requests the State of Nebraska Department of Transportation fully consider ALL possibilities for design of this intersection to reduce the likelihood of fatal accidents in this intersection.
3. The City of Wahoo requests a written report from the Nebraska Department of Transportation on this intersection, and respectfully ask that it include the following:
  - a. Review of traffic counts, both historic and present,
  - b. Review of accident information, including causes and seriousness,
  - c. Licensed traffic engineer’s report and recommendation for possible redesign of the intersection including possibilities of roundabout, narrowing of lanes, signalization, overpass, and all other reasonable options.
4. The City of Wahoo requests a written letter of action from the Nebraska Department of Transportation to address the safety concerns of the intersection of Highways 77/92 and 109, and a timeline for action.”

Roll call vote: Warford, yes; Ideus, yes; Boop, yes; Nagle, yes. Rappl and Krejci, absent and not voting.  
Motion carried. (The Council wanted to emphasize their support for this Resolution.)

Harrell reminded the Council there will be a budget meeting prior to our first regular Council meeting in September.

No audience comments. The next meeting date is Tuesday, August 10, 2021.

Motion by Warford seconded by Ideus, to adjourn at 8:47 p.m.

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Cody Brem, Clerk

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Gerald D. Johnson, Mayor