

Wahoo Public Library

Wahoo, Nebraska

July 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, Shane Sweet Carl Warford and Ryan Ideus. Council Members absent: None.

Council Member Warford motioned and Council Member Krejci seconded to approve the consent agenda which included, Approval of minutes of the June 27, 2023, city council meeting, approval of mayor's reappointment of Chad Aldrich to the Board of Adjustment, approval of drawdown #12 of housing rehab grant funds in the amount of \$105,474.61 including approval for claims for payment from SENDD for \$42.50 for Administration, \$4,156.00 for Housing Management, \$363.44 for LBP, MIT Contracting for \$76,401.67, Comforttechs for \$17,761.00, and Welch Masonry for \$6,750.00, approval of Pay Estimate No. 2 to K2 Construction in the amount of \$208,059.50 for Wilmer Ridge Subdivision infrastructure improvements. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Sweet, yes; Rappl, yes; and Nagle, yes. Motion carried.

The council convened as the Community Development Authority.

Council Member Krejci motioned, and Council Member Warford seconded to approve Resolution No. 2023-11 to provide recommendation of approval of the Redevelopment plan of the city to include a redevelopment project utilizing tax increment financing, the Kennedy Park Redevelopment Project (Blk 2 and Blk 5 of Dickenson's Addition to the City of Wahoo).

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA, APPROVING AND ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN OF THE CITY OF WAHOO, NEBRASKA TO IMPLEMENT THE KENNEDY PARK REDEVELOPMENT PROJECT; ADOPTING A COST-BENEFIT ANALYSIS FOR THE REDEVELOPMENT PROJECT; AND TAKING OTHER ACTIONS REQUIRED OR PERMITTED UNDER THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

RECITALS

A. Pursuant to the Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended (the "Act"), the City of Wahoo, Nebraska ("City") has adopted a General Redevelopment Plan for certain portions of the City identified as Amended Redevelopment Area #1 (the "Redevelopment Area"), a copy of which is on file and available for public inspection with the City Clerk (the "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 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 Kennedy Park 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 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, Nebraska.

H. The Planning Commission recommended the approval of the Redevelopment Plan Amendment.

I. 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.

J. 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 plan for development of the City of Wahoo as a whole, as set forth in the Wahoo Comprehensive Plan, as amended.

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; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, yes. Motion carried.

Council Member Krejci motioned, and Council Member Warford seconded to approve resolution No. 2023-12 to provide recommendation of approval of Redevelopment Agreement for the Kennedy Park Redevelopment Project.

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAHOO, NEBRASKA, APPROVING THE REDEVELOPMENT AGREEMENT FOR THE KENNEDY PARK REDEVELOPMENT PROJECT AND AUTHORIZING THE USE OF TAX INCREMENT FINANCING FOR SAID PROJECT; AND TAKING OTHER ACTIONS REQUIRED OR PERMITTED UNDER THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

RECITALS

A. Pursuant to the Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended (the "Act"), the City of Wahoo, Nebraska ("City") has adopted a General Redevelopment Plan for certain portions of the City identified as Amended Redevelopment Area #1 (the "Redevelopment Area"), a copy of which is on file and available for public inspection with the City Clerk (the "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 Act, has adopted an amendment to the Redevelopment Plan ("Redevelopment Plan Amendment").

C. The Planning Commission of the City of Wahoo, Nebraska has recommended approval of the Redevelopment Plan Amendment.

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

E. The Redevelopment Plan Amendment authorizes and creates a specific redevelopment project on a portion of the Redevelopment Area identified in the Redevelopment Plan Amendment as the Kennedy Park Redevelopment Project (the "Project").

F. The CDA has prepared a redevelopment agreement for the Project, a copy of which is attached hereto as Exhibit "A" and incorporated by this reference (the "Redevelopment Agreement").

G. 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 Redevelopment Plan Amendment and the Redevelopment Agreement.

NOW THEREFORE, BE IT RESOLVED, by the CDA, that the Redevelopment Agreement is hereby approved.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairperson of the CDA to execute and enter into the Redevelopment Agreement on the CDA's behalf upon the City Council's approval of the Redevelopment Agreement.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairperson of the CDA to take all such actions that are required to fulfill the terms of the Redevelopment Agreement and to consummate the agreement set forth therein.

BE IT FURTHER RESOLVED, without limitation to the foregoing, the CDA authorizes the issuance of the TIF Indebtedness as set forth in the Redevelopment Agreement without further written approval of the CDA or the City Council. Such TIF Indebtedness shall be repaid solely from the Tax Increment created by the Project and does not represent the general obligation of the CDA or the City.

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 for the Project, 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.

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

Roll call vote Krejci, yes; Warford, yes; Ideus, yes; Sweet, yes, Rappl, yes; and Nagle, yes. Motion carried.

The Community Development Authority reconvened as the City Council.

A public Hearing on an Amendment of the Redevelopment Plan of the City of Wahoo to include a redevelopment project utilizing tax increment financing, project known as Kennedy Park Redevelopment Project generally located at 12th & Locust, including Block 2 and Block 5, Dickenson's Addition to the City of Wahoo was opened at 7:20pm. There were no comments from the public. Council Member Warford motioned, and Council Member Rappl seconded to close the public hearing at 7:21pm. Roll call vote Warford, yes; Rappl, yes; Krejci, yes; Nagle, yes; Ideus, yes; and Sweet, yes. Motion carried.

Council Member Krejci motioned and Council Member Sweet seconded to approve Resolution No. 2023-13 approving the amendment to the Redevelopment Plan of the City to allow Kennedy Park Redevelopment Project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA, APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CITY OF WAHOO, NEBRASKA, INCLUDING THE KENNEDY PARK REDEVELOPMENT PROJECT.

RECITALS

- A. Pursuant to the Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended (the “Act”), the City of Wahoo, Nebraska (“City”) has adopted a General Redevelopment Plan for certain portions of the City identified as Amended Redevelopment Area #1 (the “Redevelopment Area”), a copy of which is on file and available for public inspection with the City Clerk (the “Redevelopment Plan”).
- B. The Community Development Agency of the City of Wahoo, Nebraska (“CDA”) has recommended that the Redevelopment Plan should be amended to include a project for the redevelopment of certain real property within the Redevelopment Area identified in said amendment (the “Project Site”).
- C. The proposed amendment to the Redevelopment Plan (“Redevelopment Plan Amendment”) is on file and available for public inspection with the City Clerk.
- D. The Redevelopment Plan Amendment includes a redevelopment project identified as the Kennedy Redevelopment Project (the “Project”) that will utilize Tax Increment Financing pursuant to Neb. Rev. Stat. § 18-2147.
- E. 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, Nebraska.
- F. The Planning Commission recommended the approval of the Redevelopment Plan Amendment.
- G. Notice of public hearing regarding the adoption and approval of the Redevelopment Plan Amendment by the City Council was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Act, and Nebraska law.
- H. On July 11, 2023, the City Council held a public hearing relating to the question of whether the Redevelopment Plan Amendment should be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.
- I. The City Council has reviewed the Redevelopment Plan Amendment, the cost benefit analysis prepared by the CDA, and the recommendations of the Planning Commission, and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found 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 in conformance with the general plan for development of the City of Wahoo as a whole, as set forth in the Wahoo Comprehensive Plan, as amended.
4. The cost and benefits set forth in the cost benefit analysis for the Project are found to be in the long-term best interest of the City of Wahoo.
5. The Project would not be economically feasible without the use of Tax Increment Financing.
6. The Project would not occur on the Redevelopment Area without the use of Tax Increment Financing.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Redevelopment Plan Amendment is hereby approved and adopted by the City Council as the governing body for the City of Wahoo.

Roll call vote Krejci, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried

Council Member Krejci motioned, and Council Member Ideus seconded to approve Resolution No. 2023-14 approving the redevelopment Agreement for the Kennedy Park Redevelopment Project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAHOO, NEBRASKA, APPROVING THE FORM OF THE REDEVELOPMENT AGREEMENT AND AUTHORIZING THE COMMUNITY DEVELOPMENT AGENCY TO ENTER INTO SAID AGREEMENT.

RECITALS

A. Pursuant to the Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended (the “Act”), the City of Wahoo, Nebraska (“City”) has adopted a General Redevelopment Plan for certain portions of the City identified as Amended Redevelopment Area #1 (the “Redevelopment Area”), a copy of which is on file and available for public inspection with the City Clerk (the “Redevelopment Plan”).

B. The Redevelopment Plan, as amended, includes a specific redevelopment project identified as the Kennedy Park Redevelopment Project that will include the use of Tax Increment Financing (the “Project”).

C. On July 11, 2023, the Community Development Agency of the City of Wahoo, Nebraska (“CDA”) approved the Redevelopment Agreement for the Project between the CDA and Lincolnshire Investment LLC, a Nebraska limited liability company, 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 Wahoo Comprehensive Plan, as amended, and in the best interests of the City.

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, the CDA is hereby authorized to execute and deliver the Redevelopment Agreement, with such changes, modifications, additions, and deletions therein and shall they seem necessary, desirable or appropriate, for and on behalf of the CDA.

BE IT FURTHER RESOLVED, the CDA is hereby authorized to take all actions contemplated and required in the Redevelopment Agreement including, without limitation, the issuance of such TIF Indebtedness as set forth in the Redevelopment Agreement. Such TIF Indebtedness shall be repaid solely from the Tax Increment created by the Project and does not represent the general obligation of the CDA or the City.

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 Krejci, yes; Ideus, yes; Sweet, yes; Warford, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Ideus motioned, and Council Member Krejci seconded to approve a Request for waiver of sidewalk requirement or sidewalk location requirement for project located at 13th & Spruce. Roll call vote Ideus, yes; Krejci, yes; Warford, no; Sweet, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Warford motioned, and Council Member Sweet seconded to table action on a claim filed against the City of Wahoo in the amount of \$649.41. Roll call vote Warford, yes; Sweet, yes; Krejci, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

Council Member Warford motioned, and Council Member Krejci seconded to approve the second reading of Ordinance No 2437 to provide for annexation of Water Tower Site. Roll call vote Warford, yes; Krejci, yes; Ideus, yes; Sweet, yes; Rappl, yes; and Nagle, yes. Motion carried.

Ordinance No. 2438 was introduced by Council Member Krejci entitled: **AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2023, OF THE CITY OF WAHOO, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,525,000) TO PAY FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS FOR THE FOLLOWING: (I) STREET IMPROVEMENT DISTRICT NO. 2021-01 (II) STORM WATER SEWER DISTRICT NO. 2021-01; AND (III) SANITARY SEWER DISTRICT NO. 2021-01; PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID BONDS; AND AUTHORIZING CERTAIN FINAL TERMS OF THE BONDS**

TO BE DETERMINED BY AUTHORIZED OFFICERS OF THE CITY; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND ORDERING.

Council Member Krejci 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 Krejci, yes; Ideus, yes; Sweet, yes; Warford, yes; Rappl, yes; and Nagle, 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. 2438 may be read by title and moved for final passage in the same meeting.

Council Member Krejci moved that Ordinance No. 2438 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 Krejci, yes; Ideus, yes; Sweet, yes; Warford, yes; Rappl, yes; and Nagle, yes. 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 the Mayor, in the presence of the Council, signed and approved the Ordinance and Clerk attested the passage and approval of the same and affixed her signature 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.

Council Member Krejci motioned and Council Member Sweet seconded to Levy and assess the costs and expenses of the work to abate a nuisance at 108 W 1st St. Roll call vote Krejci, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes; and Nagle, yes. Motion carried.

City Clerk Fasel reported on the state statues for legal use of golf carts set by the State.

City Administrator Harrell reported on the requested feasibility study for city facilities.

The next regular meeting is July 25, 2023, at 7:00 p.m. at the Wahoo Public Library, 637 N Maple Street.

Approved:

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor