

**COMMUNITY DEVELOPMENT AGENCY  
LEXINGTON NEBRASKA  
April 19, 2021**

A Regular Meeting of the Community Development Agency was held Monday, April 19, 2021, at Lexington City Hall, located at 406 East 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members present were Kory Cetak, Chris Denker, Gail Hall, Jason Fagot, Steve Smith, and John Fagot. Seth McFarland was absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges and Secretary Pamela Baruth. The press was represented by Clipper-Herald.

**NOTICE:** Notice of the meeting was given in advance notice, thereof by publication in the Lexington Clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

**CALL TO ORDER:** The Meeting was called to order by Chair Cetak who informed the public that the Open Meetings Act is posted in the Council Chambers at the Lexington City Hall, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 3-15-2021:** Minutes of the Regular meeting held Monday, March 15, 2021, were presented for consideration. Moved by Smith, seconded by Hall, to approve the minutes as presented. Roll call. Voting “aye” were Denker, Jason Fagot, John Fagot, Hall, Smith, Cetak. Motion carried.

**RESOLUTION:** Pepplitsch reviewed the proposed redevelopment plan with Brian Levander for construction of a commercial building in Redevelopment Area #1, outlining responsibilities of the developer and CDA, as well as a cost/benefit analysis. Levander stated Lexington would be a good fit for his business, plans to employ five employees, and needs the development assistance to move forward. Following discussion, Resolution No. 2021-04 was presented. Moved by Jason Fagot, seconded by Denker, to approve Resolution No. 2021-04. Roll call. Voting “aye” were John Fagot, Hall, Smith, Denker, Jason Fagot, Cetak. Motion carried.

**RESOLUTION NO. 2021-04**

**A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN OF THE CITY OF LEXINGTON, NEBRASKA, INCLUDING A REDEVELOPMENT CONTRACT; APPROVING A REDEVELOPMENT PROJECT OF THE CITY OF LEXINGTON, NEBRASKA; AND APPROVAL OF RELATED ACTIONS.**

**WHEREAS**, the Mayor and Council of the City of Lexington, Nebraska (the “City”), upon the recommendation of the Planning Commission of the City of Lexington, Nebraska (the “Planning Commission”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), duly declared the redevelopment area legally described in the Redevelopment Contract, set forth hereafter to be blighted and substandard and in need of redevelopment, (the “Project Area”);

**WHEREAS**, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance, created the Community Development Agency of Lexington, Nebraska (the "Agency") pursuant to Section 18-210.01 of the Act;

**WHEREAS**, pursuant to and in furtherance of the Act, the Levander Redevelopment Plan (the "Redevelopment Plan") which is contained in a Redevelopment Contract (collectively, the "Redevelopment Contract"), has been prepared and submitted to the Agency by Brian Levander (the "Redeveloper"), in the form attached hereto as Exhibit A, for the purpose of redeveloping the Project Area and includes a provision to divide certain ad valorem taxes as provided in Section 18-2147 of the Act on the Project Area legally described in Exhibit A to assist in the redevelopment thereof; and

**WHEREAS**, pursuant to the Redevelopment Contract, the Agency would agree to incur indebtedness and make a grant for the purposes specified in the Redevelopment Contract (the "Project") in accordance with and as permitted by the Act; and

**WHEREAS**, the Agency has made certain findings and pursuant thereto has determined that it is in the best interests of the Agency and the City to enter into the Redevelopment Contract and to carry out the transactions contemplated thereby.

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

**Section 1.** The Agency has determined that the proposed land uses and building requirements in the Project 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 community 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, as set forth in the Redevelopment Plan, 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 community impacted by the Project.

**Section 3.** The Planning Commission of the City of Lexington has recommended approval of the Redevelopment Contract.

**Section 4.** In compliance with section 18-2114 of the Act, the Agency finds and determines as follows: (a) the Redevelopment Area constituting the Redevelopment Project is currently

owned by the Agency and the Agency shall receive \$25,000 from the sale of the redevelopment area; (b) the estimated cost of acquiring the project site and preparing the same for redevelopment is \$125,000; (c) the method of financing the Redevelopment Project shall be by issuance of tax increment note in the amount of \$125,000, the proceeds of which shall be granted to the Redeveloper for purposes of acquiring and preparing the project site, and legal costs and from other funds provided by the Redeveloper; and (d) no families or businesses will be displaced as a result of the project.

**Section 5.** The Agency recommends approval of the Redevelopment Contract and the Redevelopment Plan contained therein by the City Council.

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

**PASSED AND APPROVED this 19<sup>th</sup> day of April, 2021.**

**RESOLUTION:** Peplitsch reviewed a final draft of a redevelopment contract with B&H Services Inc. dba ServiceMaster of Mid NE and the issuance of a Tax Increment Revenue Note. Following discussion, Resolution No. 2021-05 was presented. Moved by John Fagot, seconded by Smith, to approve Resolution No. 2021-05. Roll call. Voting “aye” were Jason Fagot, Hall, Denker, Smith, John Fagot, Cetak. Motion carried.

#### **RESOLUTION NO. 2021-05**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, APPROVING THE REDEVELOPMENT CONTRACT FOR THE SERVICE MASTER REDEVELOPMENT PROJECT AND AUTHORIZING THE USE OF TAX INCREMENT FINANCING FOR SAID PROJECT AND THE SALE OF THE REDEVELOPMENT AREA TO REDEVELOPER.**

#### **RECITALS**

**WHEREAS** the Community Development Agency of Lexington, Nebraska (the “CDA”) has been established and authorized to undertake redevelopment activities and administer the programs and benefits available under the Community Development Law of the State of Nebraska, codified at Neb. Rev. Stat. § 18-2101, et. seq., as amended (the “Act”).

**WHEREAS** the Redevelopment Plan for Redevelopment Area #1, as amended, includes a redevelopment project referred to as the Service Master Redevelopment Project (the “Project”).

**WHEREAS** the CDA has prepared a redevelopment contract that will implement and govern the Project (the “Redevelopment Contract”), a copy of which is attached as Exhibit “A” and incorporated herein by this reference.

**WHEREAS** the CDA has determined that the Project would not be economically feasible as designed without the use of tax increment financing; the Project as designed would not occur in the Redevelopment Area without the use of tax increment financing; and the Project is in the long-term best interests of the community.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA:**

**Section 1.** That the CDA does hereby approve and adopt the Redevelopment Contract.

**Section 2.** That the CDA hereby authorizes the chairperson of the CDA to execute and enter into the Redevelopment Contract on the CDA's behalf and to take all actions necessary to carry out and implement the Redevelopment Contract, including without limitation the issuance of TIF Indebtedness and the sale of the Redevelopment Area from the CDA to the Redeveloper, as set forth in the Redevelopment Contract.

The CDA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

**PASSED AND APPROVED this 19<sup>th</sup> day of April, 2021.**

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update on current projects and upcoming agenda items.

**ADJOURNMENT:** There being no further business to discuss, Chair Cetak declared the meeting adjourned.

Respectfully submitted,  
Pamela Baruth  
CDA Secretary