

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
August 16, 2021**

A Regular Meeting of the Community Development Agency was held Monday, August 16, 2021, at Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Chris Denker, Seth McFarland, Gail Hall, Steve Smith, and Jason Fagot. Kory Cetak and John Fagot were 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.

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 Vice-Chairman Denker who informed the public that the Open Meetings Act is posted in the Council Chambers at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 5-17-2021: Minutes of the Regular meeting held Monday, July 17, 2021, were presented for consideration. Moved by Smith, seconded by McFarland, to approve the minutes as presented. Roll call. Voting “aye” were Fagot, Hall, McFarland, Smith, Denker. Motion carried.

RESOLUTION: Resolution No. 2021-07 was presented. Pepplitsch reviewed the proposed resolution which would amend allocation of TIF proceeds related to development projects with HNB Properties LLC. Moved by McFarland, seconded by Fagot, to approve Resolution No. 2021-07 as presented. Roll call. Voting “aye” were Hall, Smith, Fagot, McFarland, Denker. Motion carried.

RESOLUTION NO. 2021-07

A RESOLUTION ADOPTED BY THE CHAIR AND MEMBERS OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA; MODIFYING AND SUPPLEMENTING RESOLUTION 2017-04 DIRECTING THE PAYING AGENT TO ALLOCATE CERTAIN REVENUES TO THE SERIES 2017 B BOND AND TO ADJUST ALL REVENUE ALLOCATION BETWEEN THE SERIES 2017A BOND AND SERIES 2017 B BOND SO THAT THE OVERALL ALLOCATION OF REVENUES IS MADE EQUALLY AND RATABLY BETWEEN THE BONDS, AFFIRMING THE REMAINING TERMS OF THE 2017-4 RESOLUTION, AUTHORIZING A REDEVELOPMENT CONTRACT AMENDMENT AND OTHER MATTERS.

BE IT RESOLVED by the Chair and Members of the Community Development Agency (the “Agency”) of Lexington, Nebraska, as follows:

Section 1. The Chair and Members of the Agency hereby amend and supplement Resolution 2017-4 of the Agency so that the Paying Agent is to allocate and pay on the Series 2017 B Bond all of the Revenue from the real estate described on Exhibit “A” hereto.

Section 2. The Paying Agent on the Bonds shall make an adjustment on the payment schedules so that payment on the Series 2017 A Bond and the Series 2017 B Bond are made ratably and equally notwithstanding the allocation and payment of the TIF Revenues on the real estate on Exhibit "A" being made on the Series 2017 B Bond.

Section 3. The Chair and Secretary are authorized and directed to sign the Amended Redevelopment Contract with HNB Properties, LLC, substantially in the form attached as Exhibit "B".

Section 4. The terms and conditions of Resolution 2017-4 are hereby reaffirmed except as modified by this resolution.

Section 5. Any Resolution of the Agency and any part of any resolution, inconsistent with this Resolution is hereby repealed to the extent of such inconsistency.

Section 6. This Resolution shall take effect and be in full force from and after its passage by the Agency and approval by the Chair, acting as the Community Development Agency of the City.

Section 7. This Resolution shall be in force and take effect from and after its adoption as provided by law.

Passed and Approved this 16th day of August, 2021.

RESOLUTION: Resolution No. 2021-08 was presented. Following discussion, moved by Hall, seconded by Smith, to approve Resolution No. 2021-08 as presented. Roll call. Voting "aye" were Fagot, McFarland, Smith, Hall, Denker. Motion carried.

RESOLUTION NO. 2021-08

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA AUTHORIZING THE CHAIRMAN TO SELL CERTAIN SPECULATIVE HOUSING AND AUTHORIZING THE CHAIRMAN TO EXECUTE DOCUMENTS FOR SAID PURPOSES.

WHEREAS, the Community Development Agency of Lexington, Nebraska (the "Agency"), created pursuant to Nebraska Community Development Law (the "Act"), has the authority to do all things necessary or convenient to carry out and effectuate the purposes and provisions of the Act;

WHEREAS, said authority includes the power to engage in development activity including but not limited to speculative housing development in the City of Lexington, Dawson County, Nebraska;

WHEREAS, the Agency was previously authorized to construct speculative housing by resolution of the Agency and further authorized to borrower funds for said purposes;

WHEREAS, certain speculative housing was constructed pursuant to the aforementioned resolution and it is necessary to authorize the Chairman to sign all documents to effectuate the sale of the speculative housing constructed by the Agency;

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

Section 1. The Agency hereby approves the sale of the speculative housing located at Lots 5 and 6, Block 2, Northwest Fifth Addition to the City of Lexington, Dawson County, Nebraska.

Section 2. The Chairman of the Agency is further authorized to execute any and all documents on behalf of the Agency in order to effectuate the sale of said speculative housing without further approval of the Agency.

PASSED AND APPROVED this 16th day of August, 2021.

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

ADJOURNMENT: There being no further business to discuss, Vice-Chairman Denker declared the meeting adjourned.

Respectfully submitted,
Pamela Baruth
CDA Secretary