

**COMMUNITY DEVELOPMENT AGENCY  
LEXINGTON NEBRASKA  
June 13, 2022**

A Regular Meeting of the Community Development Agency was held Monday, June 13, 2022, at Lexington City Hall, located at 406 East 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members present were Chris Denker, John Fagot, Jason Fagot, Steve Smith, and Seth McFarland. Kory Cetak and Gail Hall were absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, Community Development Director Bill Brecks, City Attorney Brian Copley, Julie McNett 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 Vice Chair 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 5-16-2022:** Minutes of the Regular meeting held Monday, May 16, 2022, were presented for consideration. Moved by Smith, seconded by Jason Fagot, to approve the minutes as presented. Roll call. Voting “aye” were John Fagot, McFarland, Jason Fagot, Smith, Denker. Motion carried.

**RESOLUTION:** Colton Venteicher, counsel for Hamilton Builders LLC, reviewed a proposed redevelopment plan and cost benefit analysis for the development of a self-storage unit complex in Redevelopment Area #1. Following discussion, Resolution No. 2022-06 was presented. Moved by Jason Fagot, seconded by McFarland, to approve Resolution No. 2022-06. Roll call. Voting “aye” were John Fagot, Smith, McFarland, Jason Fagot, Denker. Motion carried.

**RESOLUTION NO. 2022-06**

**RESOLUTION RECOMMENDING APPROVAL OF THE CITY OF LEXINGTON REDEVELOPMENT PLAN FOR LEXINGTON SELF STORAGE REDEVELOPMENT PROJECT; APPROVAL OF A REDEVELOPMENT PROJECT OF THE CITY OF LEXINGTON; ADOPTION OF A COST BENEFIT ANALYSIS; AND APPROVAL OF RELATED ACTIONS**

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

**Recitals:**

a. The Mayor and Council of the City of Lexington, Nebraska (the “City”), upon the recommendation of the City Planning Commission (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”), has previously declared an area, including an area legally described on the attached Exhibit

“A” (the “Redevelopment Area”), to be blighted and substandard and in need of redevelopment; and

b. Pursuant to and in furtherance of the Act, the City of Lexington Redevelopment Plan for Lexington Self Storage Redevelopment Project (the “Redevelopment Plan”) has been prepared and submitted to the Community Development Agency of Lexington, Nebraska, (the “Agency”) by Hamilton Builders, LLC (the “Redeveloper”), a copy of which is on file in the office of the Lexington City Clerk, and is incorporated herein by this reference, for the purpose of redeveloping the Redevelopment Project Area; and

c. Pursuant to the Redevelopment Plan, the Agency would agree to incur indebtedness and make a grant for the project specified in the Redevelopment Plan (the “Project”), in accordance with and as permitted by the Act; and

d. Pursuant to Section 18-2113 of the Act, the Agency has conducted a cost benefit analysis of the Project (the “Cost Benefit Analysis”), which is included as a part of the Redevelopment Plan; and

f. The Agency has received the resolution of the Lexington Planning Commission recommending approval of the Redevelopment Plan, a copy of which is attached hereto as Exhibit “B”; and

g. The Agency has made certain findings and has determined that it is in the best interests of the Agency and the City to approve the Redevelopment Plan, approve the Redevelopment Project, and approve the transactions contemplated by the Redevelopment Plan.

**Resolved that:**

1. The Agency has considered and hereby determines that the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, 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 and 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 provision 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 insanitary or unsafe dwelling accommodations or conditions of blight.
2. In accordance with the Act, the Agency has conducted and adopts the Cost Benefit Analysis for the Project, which is incorporated into the Redevelopment Plan, and finds (i) the Redevelopment Plan uses funds authorized in section 18-2147 of the Act, (ii) the redevelopment project in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing, (iii) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (iv) the costs and benefits of the redevelopment 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 interest of the City. The Agency has documented that the Redevelopment Project is not economically feasible without the use of funds authorized in Section 18-2147 of the Act by the receipt of a letter from the Redeveloper's lender indicating that the project requires tax increment financing to make the project financially feasible.

3. In compliance with Section 18-2114 of the Act, the Agency finds and determines as follows: (i) the Redevelopment Area constituting the Redevelopment Project is currently owned by the Agency; (ii) the Redeveloper will acquire Lot 17 of the Redevelopment Area from the Agency at a cost of \$37,500 and will receive an option to purchase Tract B of Lot 16 of the Redevelopment Area at a cost of \$30,000; (iii) the estimated cost of preparing the project site for Phase 1 as described in the Redevelopment Plan and related costs equal or exceed \$70,000 with costs for Phases 2 and 3 estimated to equal or exceed \$25,000; (iv) the method of acquisition of the real estate by the Redeveloper was by private contract and not by condemnation; (v) the method of financing Phase 1 of the Redevelopment Project shall be by issuance of tax increment revenue note issued in the amount of \$240,000, a tax increment revenue note issued in the amount of \$330,000 for Phase 2, and a tax increment revenue note in the amount of \$80,000 for Phase 3, the proceeds of which shall be granted to the Redeveloper and from additional funds provided by the Redeveloper and its lender; and (vi) no families or businesses will be displaced as a result of the project.
4. The Agency recommends approval of the Redevelopment Plan, the Redevelopment Project, and the transactions contemplated in the Redevelopment Plan.
5. All prior resolutions of the Agency in conflict with the terms and provisions of this resolution are repealed to the extent of such conflicts.
6. This Resolution shall become effective immediately upon its adoption.

**PASSED AND APPROVED on June 13, 2022.**

**DEVELOPMENT AGREEMENT:** Pepplitsch reviewed a proposed development agreement with Cure Home LLC for the construction of up to 16 senior townhouse units in the Northwest Seventh Addition. Under the agreement the lots in the subdivision would be conveyed to the developer at no cost in return for the housing to be completed within 24 months. Rex Scott, Concord Inc. resident, stated he is pleased the area will be used for senior housing. Rod Holtz, Concord Inc. resident, had questions regarding parking along West 18<sup>th</sup> Street. Following discussion, moved by Smith, seconded by McFarland, to approve the proposed development agreement as presented and to authorize the execution of necessary documents. Roll call. Voting "aye" were John Fagot, Jason Fagot, McFarland, Smith, Denker. Motion carried.

**ROUNDTABLE DISCUSSION:** Pepplitsch gave an update on proposed projects and a revised meeting schedule.

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

Respectfully submitted,  
Pamela Baruth, CDA Secretary