

**COMMUNITY DEVELOPMENT AGENCY  
LEXINGTON NEBRASKA  
April 20, 2015**

A Regular Meeting of the Community Development Agency was held Monday, April 20, 2015, 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, Gail Hall, Jason Fagot, Steve Smith, Seth McFarland, Linda Miller and John Fagot. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, Assistant City Attorney Brian Copely 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 Chairman 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 3-16-15:** Minutes of the Regular meeting held Monday, March 16, 2015, were presented for consideration. Moved by Hall, seconded by McFarland, to approve the minutes as presented. Roll call. Voting “aye” were John Fagot, Miller, Smith, Jason Fagot, McFarland, Hall, Cetak. Motion carried.

**RESOLUTION:** Pepplitsch reviewed a proposed redevelopment contract and plan with Pentad Properties Corp for property located in RDA #1. Following discussion, Resolution No. 2015-03 was presented. Moved by McFarland, seconded by Smith, to approve the Resolution as presented. Roll call. Voting “aye” were John Fagot, Miller, Hall, Jason Fagot, Smith, McFarland, Cetak. Motion carried.

**RESOLUTION NO. 2015-03**

**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 Pentad Properties 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 Pentad Properties Corp., a Kansas Corporation (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 will not be acquired by the Agency and the Agency shall receive \$83,500.00 from the sale of the redevelopment area; (b) the estimated cost of acquiring the project site and preparing the same for redevelopment is \$195,000.00; (c) the method of financing the Redevelopment Project shall be by issuance of tax increment revenue bond issued in the amount of \$189,500.00, 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 (c) 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 20<sup>th</sup> day of April, 2015.**

**RESOLUTION:** Peplitsch reviewed a draft development agreement with Alpha Mail Carriers for Lot 17, Greater Lexington Addition. He noted a final site plan has not been submitted by the developer for review; any further actions on this project would be impractical until the plan is submitted. Moved by John Fagot, seconded by Smith, to table this item until the May 18<sup>th</sup> meeting. Roll call. Voting “aye” were Jason Fagot, Hall, McFarland, Miller, Smith, John Fagot, Cetak. Motion carried.

**RESOLUTION:** Peplitsch reviewed a proposed redevelopment contract and plan with Central Tire & Tread Inc. for property located in RDA #1. He outlined the project which would include a minimum \$1.5 Million facility. Following discussion, Resolution No. 2015-05 was presented. Moved by Jason Fagot, seconded by McFarland, to approve the Resolution as presented. Roll call. Voting “aye” were John Fagot, Miller, Smith, Hall, McFarland, Jason Fagot, Cetak. Motion carried.

**RESOLUTION NO. 2015-05**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA FORWARDING A REDEVELOPMENT PLAN TO THE PLANNING COMMISSION OF THE CITY FOR ITS RECOMMENDATION; PROVIDING NOTICE TO THE GOVERNING BODY THAT THE AGENCY INTENDS TO ENTER INTO A REDEVELOPMENT CONTRACT PREPARED BY CENTRAL TIRE & TREAD, INC., FOR REAL PROPERTY WITHIN THE CITY PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.**

**WHEREAS,** it is desirable and in the public interest that the City of Lexington, Nebraska, a municipal corporation, undertake and carry out urban redevelopment projects in areas of the City which are determined to be blighted and substandard and in need of redevelopment; and

**WHEREAS**, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 2012, as amended, known as the Community Development Law, (the “**Act**”) is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

**WHEREAS**, the City in accordance with the laws of the State of Nebraska has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110 of the Act; and

**WHEREAS**, Central Tire & Tread, Inc., has prepared a redevelopment plan contained in a redevelopment contract, for an area declared blighted and substandard by the City; and

**WHEREAS**, Section 18-2112 of the Act, as amended, requires that, prior to the recommendation of a redevelopment plan or redevelopment amendment, this Community Development Agency of the City, (the “**Agency**”), should submit such plan to the Planning Commission of the City for its review and recommendations as to its conformity with the general plan for the development of the City as a whole.

**WHEREAS**, Section 18-2119 of the Act, as amended, requires that, prior to the execution of a redevelopment contract for a redevelopment project, this Agency should provide the governing body notice of the Agency’s intent to execute a proposed redevelopment contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE CHAIR AND MEMBERS OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY, AS FOLLOWS:**

1. The Agency hereby submits the redevelopment plan contained in the proposed redevelopment contract attached hereto as **Exhibit A** to the Lexington Planning Commission for its review and recommendations as to its conformity with the general plan for the development of the City as a whole.
2. By copy of this Resolution delivered to the City council of the City of Lexington on this date, the Agency hereby gives the 30 day notice required by Section 18-2119 of the Act of its intention to accept such redevelopment contract proposal with Central Tire & Tread, Inc., such acceptance to occur not earlier than approval of the redevelopment plan contained in said redevelopment contract, by action of the City Council, after hearing according to law, in substantially the attached form **Exhibit A** and with such modifications, additions or deletions deemed necessary or appropriate by the Agency.

**Passed and approved April 20<sup>th</sup>, 2015.**

**RESOLUTION:** Resolution No. 2015-06 was presented. Following discussion, moved by Hall, seconded by Miller, to approve Resolution No. 2015-06 as presented. Roll call. Voting “aye” were John Fagot, McFarland, Smith, Jason Fagot, Miller, Hall, Cetak. Motion carried.

**RESOLUTION NO. 2015-06**

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA APPROVING THE CONVEYANCE OF LOT 15 OF THE CORRECTIVE REPLAT OF BLOCK 3, PARKVIEW ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA TO THE CITY OF LEXINGTON, NEBRASKA;

WHEREAS, the Community Development Agency of Lexington, Nebraska ( the "Agency"), created pursuant to Nebraska Community Development Law (the "Act"), is the owner of undeveloped and vacant real estate, legally described as Lot 15 of the Corrective Replat of Block 3, Parkview Addition to the City of Lexington, Dawson County, Nebraska; and

WHEREAS, the Agency has no intentions to develop, improve, or otherwise maintain said real estate; and

WHEREAS, the Agency has received a request from the City of Lexington, Nebraska for the conveyance of such real estate for the purposes of maintaining said real estate; and

WHEREAS, the Agency deems it to be in the public interest and in furtherance of the purposes of the Act to convey the real estate to the City of Lexington, Nebraska;

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

Section 1. The Agency hereby approves the conveyance of Lot 15 of the Corrective Replat of Block 3, Parkview Addition to the City of Lexington, Dawson County, Nebraska to the City of Lexington, Nebraska.

Section 2. That the Chairman of Agency is hereby authorized and directed on behalf of said Agency to execute and deliver a deed to said real estate and take all necessary steps to effectuate such conveyance.

**PASSED AND APPROVED this 20th day of April, 2015.**

**ROUNDTABLE:** There were no items for Roundtable discussion.

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

Respectfully submitted,  
Pamela Baruth  
CDA Secretary