

**COMMUNITY DEVELOPMENT AGENCY  
LEXINGTON NEBRASKA  
March 16, 2015**

A Regular Meeting of the Community Development Agency was held Monday, March 16, 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, John Fagot and Linda Miller. Members Steve Smith and Seth McFarland were absent. City Officials present were City Manager Joe Pepplitsch, 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 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 1-19-15:** Minutes of the Regular meeting held Monday, January 19, 2015, were presented for consideration. Moved by John Fagot, seconded by Hall, to approve the minutes as presented. Roll call. Voting “aye” were Miller, Jason Fagot, Hall, John Fagot, Cetak. Motion carried.

**PURCHASE AGREEMENT:** Pepplitsch reviewed a real estate purchase agreement with Greater Lexington Corp for the purchase of 11 lots in the Northwest Third Addition. Following discussion, moved by Miller, seconded by Jason Fagot, to approve the purchase agreement as presented and to authorize the city manager to execute necessary documents. Roll call. Voting “aye” were John Fagot, Hall, Jason Fagot, Miller, Cetak. Motion carried.

**REDEVELOPMENT CONTRACT:** Pepplitsch reviewed a proposed redevelopment contract with Pentad Properties Corp for property located in RDA #1. He reviewed the project which entails the construction of a minimum 11,000 square foot building on property south of the Opportunity Center. Agency and Staff also discussed possible access roads within the area. Following discussion, Resolution No. 2015-01 was presented. Moved by Hall, seconded by John Fagot, to approve Resolution No. 2015-01 as presented. Roll call. Voting “aye” were Miller, Jason Fagot, John Fagot, Hall, Cetak. Motion carried.

**RESOLUTION NO. 2015-01**

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 PENTAD PROPERTIES CORP., 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, Pentad Properties Corp., 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 Pentad Properties Corp., 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 March 16, 2015.**

**DEVELOPMENT AGREEMENT:** Peplitsch reviewed a draft development agreement with Alpha Mail Carriers for Lot 17, Greater Lexington Addition. Following discussion, Resolution No. 2015-02 was presented. Moved by Miller, seconded by Hall, to approve Resolution No. 2015-02 as presented. Roll call. Voting “aye” were Jason Fagot, John Fagot, Hall, Miller, Cetak. Motion carried.

**RESOLUTION NO. 2015-02**

RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LEXINGTON, NEBRASKA, PROVIDING NOTICE TO THE GOVERNING BODY OF THE CITY OF LEXINGTON, OF INTENT TO ENTER INTO A DEVELOPMENT AGREEMENT ON THE EXPIRATION OF 30 DAYS FROM THE DATE OF THIS RESOLUTION

WHEREAS, this Community Development Agency of the City of Lexington, Nebraska ("Authority"), has pursuant to Section 18-2119 of the Nebraska Community Development Law (the "Act"), solicited proposals for redevelopment of an area within the City limits of the City of Lexington; and

WHEREAS, the Agency has considered all of the redevelopment and development proposals and financial and legal ability of the prospective redevelopers and developers to carry out their proposals;

WHEREAS, the Agency deems it to be in the public interest and in furtherance of the purposes of the Act to accept the development agreement proposal submitted in the form of the proposed development agreement attached hereto;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. By copy of this Resolution delivered to the CITY OF LEXINGTON on this date, the Agency hereby gives the 30 days notice required by Section 18-2119 of the Act of its intention to accept such development agreement proposal with Alpha Mail Carriers, Inc. in substantially the attached form and with such modifications, additions or deletions deemed necessary or appropriate by the Agency.

**Passed and approved this 16<sup>th</sup> day of March, 2015.**

**EXECUTIVE SESSION:** There were no items for discussion in executive session.

**ROUNDTABLE:** Peplitsch noted there will be additional redevelopment projects coming to the CDA in the next few months for consideration. He also gave an update on current projects. Hall read a note he had received from a concerned citizen regarding housing activities within the city.

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

Respectfully submitted,  
Pamela Baruth  
CDA Secretary