

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
March 15, 2021**

A Regular Meeting of the Community Development Agency was held Monday, March 15, 2021, at Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Kory Cetak, Gail Hall, Jason Fagot, Steve Smith, John Fagot, and Chris Denker. 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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 2-15-2021: Minutes of the Regular meeting held Monday, February 15, 2021, were presented for consideration. Moved by Smith, seconded by John Fagot, to approve the minutes as presented. Roll call. Voting “aye” were Denker, Jason Fagot, Hall, John Fagot, Smith, Cetak. Motion carried.

RESOLUTION: Pepplitsch reviewed the proposed redevelopment plan with B&H Services Inc. dba ServiceMaster of Mid Nebraska for construction of a commercial building in Redevelopment Area #1, outlining responsibilities of the developer and the agency. Following discussion, Resolution No. 2021-02 was presented. Moved by Hall, seconded by Jason Fagot, to approve Resolution No. 2021-02. Roll call. Voting “aye” were John Fagot, Smith, Denker, Jason Fagot, Hall, Cetak. Motion carried.

RESOLUTION NO. 2021-02

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 Service Master 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 B & H SERVICES, INC. DBA SERVICEMASTER OF MID NE (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 \$25,000.00 from the sale of the redevelopment area pursuant to the terms of the attached Redevelopment Contract; (b) the estimated cost of acquiring the project site and preparing the same for redevelopment is \$134,400.00; (c) the method of financing the Redevelopment Project shall be by issuance of tax increment revenue bond issued in the amount of \$134,400.00, 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 (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 15th day of March, 2021.

PURCHASE AGREEMENT: Peplitsch presented a purchase agreement with Lexington Public Schools for the purchase of Lots 1-7, Block 2, Northwest 6th Addition to the City of Lexington, Dawson County, Nebraska. He stated the 7 lots along Independence Street would be made available at rates similar to other housing lots in the area. Following discussion, moved by John Fagot, seconded by Jason Fagot, to approve the purchase agreement with Lexington Public Schools as presented and to authorize the execution of necessary documents. Roll call. Voting “aye” were Hall, Smith, Denker, Jason Fagot, John Fagot, Cetak. Motion carried.

REDEVELOPMENT CONTRACT: Peplitsch reviewed a proposed redevelopment contract with Brian Levander for property located in Redevelopment Area #1. He outlined the redevelopment plan and indicated the redeveloper intends to construct a 6,300 square foot commercial building for his autobody business. Peplitsch reviewed the cost-benefit analysis and the proposed TIF indebtedness. Following discussion, Resolution No. 2021-03 was presented. Moved by Smith, seconded by Denker, to approve Resolution No. 2021-03. Roll call. Voting “aye” were John Fagot, Jason Fagot, Hall, Denker, Smith, Cetak. Motion carried.

RESOLUTION NO. 2021-03

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 BRIAN

LEVANDER 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, Brian Levander 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 Brian Levander 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 15, 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