

**CITY OF LEXINGTON, NEBRASKA  
PLANNING COMMISSION  
August 3, 2022**

A Regular Meeting of the Lexington Planning Commission was held Wednesday, August 3, 2022, in the Council Chambers at the Lexington City Hall, 406 East 7th Street, Lexington, Nebraska, at 5:30 p.m. Commissioners present were Sadie Worthing, Jared Jacob, Curtis Roemmich, Jeff Tappan and Cameron Smith. Kristi Moyer, Barb Margritz, Ellie Quintero, and Jeremy Kaiser were absent. City Officials present were City Manager Joe Pepplitsch, Community Development Director Bill Brecks, City Attorney Brian Copley, Assistant City Manager Dennis Burnside, Finance Director Barb Hodges and Secretary Pamela Baruth. The press was represented by Clipper-Herald.

**NOTICE:** Notice of the meeting was given in advance, 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. Notice of the meeting was simultaneously given to the Chairman and all Members of the Planning Commission. 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 Worthing who informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska.

**MINUTES–MEETING 6-1-2022:** Minutes of the Regular Meeting held Wednesday, June 1, 2022, were presented to the Commission for consideration and approval. Moved by Smith, seconded by Jacob, to approve Minutes as presented. Roll call. Voting “aye” were Tappan, Roemmich, Jacob, Smith, Worthing. Motion carried.

**PUBLIC HEARING:** Chair Worthing opened a public hearing to consider a blight and substandard study for proposed Redevelopment Area #6. Pepplitsch reviewed determination study completed by Hanna:Keelan Associates PC for an area of approximate 76 acres between West Highway 30 and West 13<sup>th</sup> Streets. He explained the area is a mix of single family residential, commercial, public and undeveloped properties. He also reviewed the requirements to for an area to be designated as blighted and substandard. There were no public comments, and the public hearing was closed. Resolution No. 2022-04 was presented. Following discussion, moved by Smith, seconded by Roemmich, to approve Resolution No. 2022-04. Roll call. Voting “aye” were Jacob, Tappan, Roemmich, Smith, Worthing. Motion carried.

**RESOLUTION NO. 2022-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEXINGTON, NEBRASKA MAKING A RECOMMENDATION TO THE LEXINGTON CITY COUNCIL REGARDING A PROPOSAL TO DECLARE A CERTAIN AREA OF THE CITY TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED**

## STATUTES OF NEBRASKA, AS AMENDED

### Recitals

a. It is necessary, desirable, advisable, and in the best interests of the City of Lexington, Nebraska (the “**City**”), to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

b. The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

c. Section 18-2109 of the Act requires that, prior to the preparation by the Community Development Agency of the City of a redevelopment plan for a redevelopment project, the Mayor and Council shall, by resolution, declare the area to be blighted and substandard; and

d. The Mayor and Council submitted a Redevelopment Area Blight and Substandard Determination Study (the “**Study**”) prepared by Hanna: Keelan Associates, P.C. a copy of which is attached hereto as **Exhibit A** and by resolution submitted the question of whether the Redevelopment Area was blighted and substandard and in need of redevelopment to the Planning Commission for its recommendation.

e. On August 3, 2022, at 5:30 p.m., the Planning Commission held a public hearing (the “**Public Hearing**”) in the Council Room at the Lexington City Hall, 406 East 7<sup>th</sup> Street in the City, to determine whether that certain area more fully described below (the “**Redevelopment Area**”) should be declared blighted and substandard and in need of redevelopment as required by the Act; and

f. Notice of the Public Hearing was published in *The Lexington Clipper-Herald*, a legal newspaper of general circulation in the City, on **July 16, 2022**, and **July 23, 2022**, which notice described the time, date, place and purpose of the Public Hearing and a copy of the Study was available for public inspection and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

g. On or before **July 15, 2022**, such date being at least 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Certified Mail, return receipt requested, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and advised where a copy of the Study was available for public inspection; and

h. The Public Hearing was conducted and all interested parties were afforded a

reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Planning Commission reviewed and discussed the Study.

**Resolved that:**

1. The Planning Commission finds that the Redevelopment Area is substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(31) of the Act, as described and set forth in the Study. The Redevelopment Area is more particularly described as follows on **Exhibit "B"**.

2. The Redevelopment Area is hereby further found to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(3)(a) of the Act and (b) at least one of the factors set forth in (i) through (iv) of Section 18-2103(3)(b) of the Act, as described and set forth in the Study.

3. The Planning Commission recommends that the City Council declare the Redevelopment Area to be blighted and substandard pursuant to the Act.

4. This Resolution shall be published and shall take effect as provided by law.

**DATED:** August 3, 2022.

**PUBLIC HEARING:** Chair Worthing opened a public hearing to review the proposed R. Perry Construction Inc. Redevelopment Plan for recommendation regarding conformance with the city comprehensive development plan. Peplitsch reviewed the redevelopment plan. There were no public comments, and the public hearing was closed. Resolution No. 2022-05 was presented. Following discussion, moved by Smith, seconded by Jacob, to approve Resolution No. 2022-05. Roll call. Voting "aye" were Roemmich, Tappan, Jacob, Smith, Worthing. Motion carried.

**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEXINGTON, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN ENTITLED "Amendment to the Redevelopment Area #1 Redevelopment Plan (The R. Perry Construction, Inc. Redevelopment Project)", TO THE MAYOR AND CITY COUNCIL OF THE CITY.**

**WHEREAS**, pursuant to section 18-2112 of Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"), a redevelopment plan entitled, "Amendment to the Redevelopment Area #1 Redevelopment Plan (The R. Perry Construction, Inc. Redevelopment Project)" (the "Plan"), attached hereto and incorporated herein as Exhibit 1, setting forth certain redevelopment activities in the City of Lexington, Nebraska (the "City"), was submitted to the Planning Commission of the City for its review and recommendation; and

**WHEREAS**, on August 3, 2022, the Planning Commission held a duly noticed public hearing on the Plan; and

**WHEREAS**, pursuant to the Act, the Planning Commission reviewed the Plan for its conformity to the City's comprehensive plan for land use and development (the "Comprehensive Plan"); and

**WHEREAS**, after reviewing the Plan and conducting a public hearing, the Planning Commission determined that the Plan is in conformance with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY:**

Section 1. Based upon the foregoing and the substantial evidence presented to the Planning Commission at the public hearing, the Planning Commission determines that the Plan conforms to and meets the objectives of the Comprehensive Plan of the City.

Section 2. The Planning Commission recommends approval and adoption of the Plan to the Mayor and City Council of the City.

**PASSED AND ADOPTED THIS 3RD DAY OF AUGUST, 2022.**

**ROUNDTABLE:** Pepplitsch reported on potential projects at future meetings.

**ADJOURNMENT:** There being no further business to come before the Lexington Planning Commission, Chair Worthing declared the meeting adjourned.

Respectfully submitted,  
Pamela Baruth  
Planning Commission Secretary