

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
May 15, 2023**

A Regular Meeting of the Community Development Agency was held Monday, May 15, 2023, at Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Chris Denker, Jason Fagot, John Fagot, Steve Smith, Gail Hall, and Seth McFarland. Kory Cetak was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, 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 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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 4-17-2023: Minutes of the Regular meeting held Monday, April 17, 2023, were presented for consideration. Moved by John Fagot, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Hall, Jason Fagot, McFarland, Smith, John Fagot, Denker. Motion carried.

RESOLUTION: Copley reviewed a resolution for the proposed redevelopment project entitled “Amendment to the Redevelopment Plan of the City of Lexington, Nebraska (Taco John’s Redevelopment Project). He noted the project has been reviewed and approved by the Planning Commission and City Council. Following a project update, Resolution No. 2023-05 was presented. Moved by McFarland, seconded by Hall, to approve Resolution No. 2023-05. Roll call. Voting “aye” were Jason Fagot, John Fagot, Smith, Hall, McFarland, Denker. Motion carried.

RESOLUTION NO. 2023-05

(Redevelopment Agreement—Taco John’s Redevelopment Project)

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF
LEXINGTON, NEBRASKA, AUTHORIZING AND APPROVING A REDEVELOPMENT
AGREEMENT FOR THE TACO JOHN’S REDEVELOPMENT PROJECT UTILIZING
TAX INCREMENT FINANCING; AND TAKING OTHER ACTIONS REQUIRED OR
PERMITTED UNDER THE COMMUNITY DEVELOPMENT LAW.**

RECITALS

A. The General Redevelopment Plan for Redevelopment Area #1 (the “**Redevelopment Plan**”), which covers certain portions of the City of Lexington, Nebraska that have been declared blighted and substandard and in need of redevelopment (the “**Redevelopment Area**”), was previously adopted by the City Council of the City of Lexington, Nebraska (the “**City**”).

B. The Community Development Agency of Lexington, Nebraska (the “**Agency**”), in furtherance of the purposes and pursuant to the provisions of the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2155, as amended (the “**Act**”), has approved the Amendment to the Redevelopment Plan (the “**Amendment**”) to create and implement the Taco John’s Redevelopment Project (the “**Project**”) in the Redevelopment Area.

C. The Agency has prepared a redevelopment agreement for the Project, a copy of which is attached hereto as **Exhibit A** and incorporated by this reference (the “**Redevelopment Agreement**”).

D. The City, on April 25, 2023, acknowledged notice of the Agency regarding its intent to enter into the Redevelopment Agreement and waived the 30-Day notice period set forth in the Act.

E. The Project would use tax increment financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain eligible public improvements authorized by the Act and identified in the Amendment and the Redevelopment Agreement.

NOW THEREFORE BE IT RESOLVED, the Community Development Agency of the City of Lexington, Nebraska, does hereby approve the Redevelopment Agreement and authorizes the Chairperson of the Agency to execute and enter into the Redevelopment Agreement, with such changes, modifications, additions, and deletions that are necessary or appropriate, for and on behalf of the Agency.

BE IT FURTHER RESOLVED, the Agency hereby authorizes the Chairperson of the Agency to take all actions contemplated and required in the Redevelopment Agreement including, without limitation, the issuance of TIF Indebtedness authorized pursuant to the Redevelopment Agreement. Such TIF Indebtedness shall be repaid solely from the Tax Increment created by the Project and does not represent the general obligation of the Agency or the City.

PASSED AND APPROVED this 15th day of May, 2023.

ROUNDTABLE DISCUSSION: Peplitsch gave an update on upcoming projects.

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

Respectfully submitted,
Pamela Baruth
CDA Secretary