

COMMUNITY DEVELOPMENT AGENCY PROCEEDINGS

April 12, 2023

The Community Development Agency of the City of David City, Nebraska, convened in open public session at 8:09 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on April 6, 2023, and an affidavit of the publisher is on file in the office of the CDA Secretary. The Community Development Agency members acknowledged advance notice of the meeting. The advance notice to the Public, and Community Development Agency members conveyed the availability of the agenda, which was kept continuously current in the office of the Secretary and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the meeting.

Present for the meeting were: Community Development Agency Members—Jessica Miller, Tom Kobus, Kevin Woita, Bruce Meysenburg, Jim Angell, Pat Meysenburg, Community Development Agency Secretary Tami Comte, and City Attorney David Levy. Community Development Agency Member Keith Marvin was absent.

Also present were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Special Projects Coordinator Dana Trowbridge, Jan Sypal and Jerry Kosch.

Chairman Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. She also asked that anyone addressing the Agency to introduce themselves.

CDA member Bruce Meysenburg made a motion to pass and adopt Resolution No. 3-2023 CDA. CDA Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 3-2023 CDA

RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY FOR THE CITY OF DAVID CITY, NEBRASKA, RECOMMENDING THE APPROVAL OF AN AMENDMENT TO A REDEVELOPMENT PLAN ENTITLED, "AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE NORTHWEST INDUSTRIAL AREA," TO THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

WHEREAS, on December 14, 2022, via Resolution No. 29-2022, the Mayor and City Council for the City of David City, Nebraska (the "City"), approved and adopted a redevelopment plan entitled, "Redevelopment Plan for the Northwest Industrial Area" for redevelopment in blighted and substandard areas in the City (the "Redevelopment Plan"), all in compliance with sections 18-2101 et seq., of Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"); and

WHEREAS, attached hereto as Exhibit 1 and incorporated herein, is an amendment to the Redevelopment Plan, setting forth certain changes to the terms and provisions of the Redevelopment Plan (the "Amendment"); and

WHEREAS, such changes to the Redevelopment Plan set forth in the Amendment constitute a substantial modification of the Redevelopment Plan under section 18-2115.01 of the Act; and

WHEREAS, in accordance with the foregoing, and in conformance with the Act, on April 8, 2023, the Planning Commission of the City held a duly-notice public hearing on the Amendment, and provided written findings on and recommended the Mayor and City Council's adoption and approval of the Amendment; and

WHEREAS, on April 12, 2023, the Community Development Agency of the City (the "Agency"), reviewed the Amendment pursuant to sections 18-2114 and 18-2115.01 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY:

Section 1. The Agency hereby finds and determines that the proposed land uses and building requirements in the redevelopment area as described in the Redevelopment Plan, as amended by the Amendment, are designed with the general purpose of accomplishing, in conformance with the City's general plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Redevelopment Plan, as amended by the Amendment, adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage 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 insanitary or unsafe dwelling accommodations or conditions of blight.

Section 2. The Agency hereby further finds and determines that the Redevelopment Plan, as amended by the Amendment, contains a statement of the proposed method and estimated cost of acquisition and preparation for redevelopment of the redevelopment project area(s); that no public improvements are required to be provided except as set forth in the Redevelopment Plan, as amended by the Amendment; that except as set forth therein no proceeds or revenues are expected to be obtained by the Agency from disposal of property to redevelopers; that the Redevelopment Plan, as amended by the Amendment, sets forth the proposed method of financing for the proposed redevelopment, which method of financing is the issuance by the City of its tax increment revenue bond(s) to provide funds to pay for the costs of certain public improvements by grant assistance; and that there are no families currently living within the redevelopment area, as set forth in the Redevelopment Plan, as amended by the Amendment, which are currently expected to be displaced from such area.

Section 3. The Cost Benefit Analysis prepared for the Agency and attached to the Redevelopment Plan is not changed or affected by the Amendment, and therefore its prior adoption shall apply to the Amendment.

Section 4. Based upon the substantial evidence in the record of this proceeding and the foregoing findings, the Agency hereby recommends to the Mayor and Council of the City that

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the Amendment be approved and incorporated as part of the Redevelopment Plan.

PASSED AND APPROVED this 12th day of April, 2023.

Community Development Agency of
the City of David City, Nebraska

Chairperson

Secretary

EXHIBIT 1
Amendment

(See Attached)

**AMENDMENT TO THE REDEVELOPMENT PLAN FOR
THE NORTHWEST INDUSTRIAL AREA**

PREPARED NOVEMBER, 2022

AMENDED APRIL, 2023

**BY THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF DAVID CITY, NEBRASKA**

A. Introduction

On December 14, 2022, via Resolution No. 29-2022, the Mayor and City Council for the City of David City, Nebraska (the "City"), approved and adopted a redevelopment plan entitled "Redevelopment Plan for the Northwest Industrial Area" for redevelopment in blighted and substandard areas in the City (the "Redevelopment Plan"). This amendment to the Redevelopment Plan ("Amendment") submits certain changes to the Redevelopment Plan, as highlighted below. This Amendment incorporates the terms of the Redevelopment Plan as if fully set forth herein; provided, however, that if the terms of this Amendment conflict with the Redevelopment Plan, this Amendment shall control. Any capitalized terms not otherwise defined herein shall have the meaning set forth in the Redevelopment Plan.

B. Purpose and Necessity of Amendment

Due to rising costs, changing market conditions and other extraneous factors, AGP anticipates a higher (as-built) assessed valuation for the AGP processing facilities to be constructed on Parcels 120008436 and 120008570 (the "AGP Improvements"), than that originally set forth in the Redevelopment Plan. Such increased valuation would result in additional TIF Revenues generated by the AGP Improvements. Accordingly, the City and AGP wish to modify the estimated future assessed valuation for the AGP Improvements, and in association therewith, increase the TIF Indebtedness authorized under the Redevelopment Plan, all in accordance with the terms of this Amendment.

C. General Amendments

The following provisions shall generally amend the Redevelopment Plan (inclusive of exhibits) with respect to such coinciding terms therein, as applicable:

- (1) The following items undertaken by AGP in relation to the AGP Improvement shall be included as part of, and supplement, the Public Improvements set forth in the Redevelopment Plan: (a) land acquisition for the site of the AGP Improvements; (b) site preparation undertaken in relation to the AGP Improvements; and (c) engineering and legal fees incurred in association with the AGP Improvements.
- (2) The parcel numbers on which the AGP Improvements will occur shall be 120008436 and 120008570. Such parcels shall amend and replace the references to Parcels 120033187 and 120033159 in the Redevelopment Plan.

- (3) The total estimated cost of the Redevelopment Project is \$93,133,910.
- (4) It is anticipated that the Private Improvements (inclusive of the AGP Improvements) will result in a future tax assessed valuation of \$195,000,000 for the Redevelopment Area.
- (5) In accordance with Section C(4) above, the City and Agency contemplate and authorize the issuance of TIF Indebtedness in an aggregate principal amount not to exceed \$47,006,363, at a rate of interest determined by the Agency in its discretion.

D. Amendment to Exhibit "C" of Redevelopment Plan

Exhibit "C" of the Redevelopment Plan shall amended in its entirety and replaced by Exhibit "1", attached hereto and incorporated herein.

E. Amendment to Exhibit "D" of Redevelopment Plan

Exhibit "D" of the Redevelopment Plan shall amended in its entirety and replaced by Exhibit "2", attached hereto and incorporated herein.

F. Miscellaneous

Headings of sections of this Amendment and the exhibits attached hereto are for convenience of reference only and do not form a part of the Redevelopment Plan and do not in any way modify the Redevelopment Plan except as otherwise provided in this Amendment. In the event of any conflict between the terms and provisions of this Amendment and the terms and provisions of the Redevelopment Plan, the terms and provisions of this Amendment shall supersede and control. Except as explicitly modified or amended in this Amendment, all terms and conditions of the Redevelopment Plan are incorporated herein and shall remain in full force and effect.

Exhibit "1"

Amendment to Exhibit "C"

(See Attached)

EXHIBIT "C"

Estimate of Construction Costs

Land Acquisition for Infrastructure	\$150,000
Land Acquisition for AGP Improvements Site	\$7,000,000
Site Preparation Costs for AGP Improvements	\$40,000,000
A/E & Legal Fees for AGP improvements	\$15,000,000
Water Extension	\$4,200,000
Sewer Extension	\$2,383,920
Timpte Road	\$1,800,000
Rd 37/4th St Connecting Road	\$19,020,000
Financing Costs	\$3,549,990
City Fees	\$30,000
TOTAL	\$93,133,910

* The above figures are estimated values based on current pricing. These preliminary estimates are subject to change, as Redeveloper has no control over the change in cost of materials and services between the time of the approval of this Redevelopment Plan and commencement of construction.

Exhibit "2"

Amendment to Exhibit "D"

(See Attached)

EXHIBIT "D"

Sources and Uses of TIF

USES:

Land Acquisition for Infrastructure	\$150,000
Land Acquisition for AGP Improvements Site	\$7,000,000
Site Preparation Costs for AGP Improvements	\$40,000,000
A/E & Legal Fees for AGP improvements	\$15,000,000
Water Extension	\$4,200,000
Sewer Extension	\$2,383,920
Timpte Road	\$1,800,000
Rd 37/4th St Connecting Road	\$19,020,000
Financing Costs	\$3,549,990
City Fees	\$30,000
TOTAL	\$93,133,910

* The above "Uses" are preliminary estimates based on current pricing and are subject to change.

SOURCES:

General Assumptions:

Base Value:	\$2,482,475
Final Value:	\$195,000,000**
Tax Levy (2021):	1.64422
TIF Indebtedness Principal:	NTE \$47,006,363

Interest Rate:

TBD

* The above figures are estimates based upon the assumptions in this Exhibit "D" and are subject to change.

** The above final value is based upon the following estimates related to the buildout of the Private Improvements:

- Parcels 120008436 and 120008570 (AGP Improvements) - \$178,000,000
 - Parcel 120008565 (Timpfe facilities expansion) – \$2,000,000
 - Parcel 120008567 (AKRS Equipment Solutions project) – \$5,000,000
- Remaining parcels (commercial/industrial development TBD) – \$10,000,000

CDA member Pat Meysenburg made a motion to recess the CDA meeting at 8:12 p.m.
CDA Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0, Absent: 1

Chairman Jessica Miller declared the recessed CDA meeting back in session at 8:32 p.m.

Council member Kevin Woita made a motion to approve the minutes of the March 22, 2023 meeting of the CDA. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0, Absent: 1

Chairman Jessica Miller stated that the next item on the agenda was discussion concerning the financial position of the CDA.

City Clerk-Treasurer Tami Comte shared the current bank statement less the outstanding checks and the balance on the loan that the CDA has at Bank of the Valley.

History 4/12/2023
 450661 - COMMUNITY DEVELOPMENT
 AGENCY OF THE CITY - COMMUNITY
 CHECKING

Icon	Posted	Check #	Transaction Description	EFT Description	Amount	Balance
T	04/12/2023		980 - Memo Debit	VTXTLR...	(\$141,951.38)	\$1,963,059.85
T	04/04/2023		12 - Checking Deposit		\$321,494.74	\$2,105,011.23
T	03/07/2023		60 - POD - Bank Initiated...		(\$106,758.79)	\$1,783,516.49
T	02/27/2023	1127	52 - Check (Regular Incl...		(\$10,000.00)	\$1,890,275.28
T	02/22/2023	1126	52 - Check (Regular Incl...		(\$164,685.74)	\$1,900,275.28
T	02/16/2023		104 - In Person Transfer -...		\$2,061,995.00	\$2,064,961.02
T	01/06/2023		12 - Checking Deposit		\$1,033.00	\$2,966.02

Balance as of 4-12-23	\$1,963,059.85
Outstanding Checks	<u>27,965.00</u>
	\$1,985,094.85

Balance due on loan at Bank of the Valley	\$600,000.00
Interest	<u>6,768.57</u>
	\$606,768.57

Special Projects Coordinator Dana Trowbridge stated that the Northland Subdivision is not a money maker, but the CDA knew that going into the project. Trowbridge stated that the

CDA members should consider a possible windbreak with plantings at the entrance to the subdivision.

Special Projects Coordinator Dana Trowbridge stated that the cost of homes using Workforce Housing have to be below the \$325,000 threshold. He stated that the water table is high in the Northland Subdivision and he wondered about trying to drain water from potential basements into the forty-two inch tube on the west side of the property that connects with Northwest Drainage. The people building the homes would have to get Thrasher or a company similar to help with a sump pump. Trowbridge stated that he and CDA member Tom Kobus took a trip to Wayne, Nebraska where Heritage Homes are manufactured. They have a two-bedroom, two-bathroom home that is very affordable and could be turned into two more bedrooms in the basement if this system were in place.

Jan Sypal introduced herself and stated that having basements in the Northland area would be a mistake because they had water in their house all the time and that is why their new home does not have a basement.

CDA member Kevin Woita made a motion to adjourn. CDA Member Bruce Meysenburg seconded the motion. The motion carried and CDA Chairman Jessica Miller declared the meeting adjourned at 8:52 p.m.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Secretary Tami Comte