

PLANNING COMMISSION

April 8, 2023

8:00 AM

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 490 E Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the west wall of the meeting room.

Chairman Jim Masek also notified the public that if you wish to speak to the Commission to please state your name and address for the record.

Present: Planning Commission members Jim Vandenberg, Greg Aschoff, Pam Kabourek, Jim Masek, City Clerk Tami Comte, and Deputy City Clerk Lori Matchett. Planning Commission member Robert Hilger joined the meeting at 8:11 a.m.

Also present were Building Inspector Gary Meister, City Council member Bruce Meysenburg, and Janae McMahon. City Attorney David Levy joined via Zoom.

Planning Commission member Jim Vandenberg made a motion to accept the minutes of the March 11, 2023, meeting as presented. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Greg Aschoff made a motion to recommend to the City Council the detachment plat containing part of the Mark and Willow Holoubek property located in part of the northeast quarter of Section 24, all in Township 15, North, Range 2 East of the 6th P.M., all in Butler County, Nebraska. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Chairman Jim Masek made a motion to open the public hearing at 8:03 a.m. to consider an amendment to the redevelopment plan entitled: "Amendment to Redevelopment Plan for the Northwest Industrial Area". Greg Aschoff seconded the motion. The motion carried: Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Chairman Jim Masek made a motion to close the public hearing at 8:10 a.m. to consider an amendment to the redevelopment plan entitled: " Amendment to Redevelopment Plan for the Northwest Industrial Area". Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Chairman Jim Masek made a motion approve Resolution No. 1-2023 PC and recommend to the City Council the amendment to a redevelopment plan entitled: "Amendment to Redevelopment Plan for the Northwest Industrial Area". Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

RESOLUTION NO. 1-2023PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DAVID CITY, NEBRASKA, RECOMMENDING 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 pursuant to sections 18-2115.01 and 18-2112 of the Act, the Amendment was submitted to the Planning Commission of the City for its review and recommendation; and

WHEREAS, on April 8, 2023, the Planning Commission held a duly-noticed public hearing on the Amendment; and

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

WHEREAS, after reviewing the Amendment and conducting a public hearing, the Planning Commission determined that the Redevelopment Plan, as amended by the Amendment, is in conformance with the Comprehensive Plan.

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

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 Redevelopment Plan, as amended by the Amendment, conforms to and meets the objectives of the Comprehensive Plan of the City.

Section 2. The Planning Commission recommends approval and adoption of the Redevelopment Plan, as amended by the Amendment, to the Mayor and City Council of the City.

INTRODUCED BY Jim Vandenberg

PASSED AND ADOPTED THIS 8TH DAY OF APRIL, 2023.

CHAIRPERSON

ATTEST:

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 (Timpte facilities expansion) – \$2,000,000
- Parcel 120008567 (AKRS Equipment Solutions project) – \$5,000,000
- Remaining parcels (commercial/industrial development TBD) – \$10,000,000

Planning Commission member Robert Hilger arrived at the meeting at 8:11 a.m. and took his place on the Commission

Chairman Jim Masek made a motion to open the public hearing at 8:12 a.m. to consider amending the Zoning Ordinance No. 1060 by amending Section 5.12 C-1 Highway Commercial 5.12.02 Permitted Uses by adding #6 ww. Food Pantry. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

City Clerk Tami Comte relayed to the Planning Commission members that one of the City Council members suggested to her that a Food Pantry be made a conditional use instead of a permitted use. The decision is up to the Planning Commission for the recommendation to the Council on changing the zoning ordinance.

Chairman Jim Masek made a motion to close the public hearing at 8:15 a.m. to consider amending the Zoning Ordinance No. 1060 by amending Section 5.12 C-1 Highway Commercial 5.12.02 Permitted Uses by adding #6 ww. Food Pantry. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Greg Aschoff made a motion to recommend to the City Council the amendment of Zoning Ordinance No. 1060 by amending Section 5.12 C-1 Highway Commercial 5.12.03 Conditional Uses by adding 31. Food Pantry. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to open the public hearing at 8:18 a.m. to consider adopting the Official Zoning Map and adopting the update to the one-mile Extraterritorial Jurisdiction. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to close the public hearing at 8:21 a.m. to consider adopting the Official Zoning Map and adopting the update to the one-mile Extraterritorial Jurisdiction. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Jim Vandenberg made a motion to recommend to the City Council the adoption of the Official Zoning Map and adoption of the update to the one-mile Extraterritorial Jurisdiction. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

There being no further business to come before the Planning Commission. Chairman Jim Masek made a motion to adjourn at 8:22 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.