

PLANNING COMMISSION

July 23, 2022

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, Keith Marvin, Jim Masek, Pam Kabourek and Greg Aschoff. Also present were Alternate Brian Small, City Clerk Tami Comte and Deputy City Clerk Lori Matchett. Michael Sands of Baird Holm attended via Zoom.

Planning Commission member Keith Marvin made a motion to approve the minutes of the July 9, 2022, meeting with corrections. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to open the public hearing at 8:01 a.m. to consider the final plat of the Northland Subdivision to the City of David City, Butler County, Nebraska, legally described as follows:

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence 89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning AND All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning. AND That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the

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Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning. EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning. AND EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet. to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning. AND EXCEPT A tract of land out of and a part of Outlot 3, West Addition to David City, located In the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence

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N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning. Planning Commission member Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0

Chairman Jim Masek said, "There were a few changes since the last time it was presented, right?"

Planning Commission member Keith Marvin said, "We lost one or two lots along the horseshoe."

City Clerk Tami Comte added, "It's down to thirty-three lots, we lost three lots."

Planning Commission Alternate Brian Small said, "It looks a lot better though."

Planning Commission member Keith Marvin said, "I have a couple of questions, and I hope Tami, you can answer these. One, I am seeing here along the north/south street that's running up there, coming up the green space there it looks like an inlet along the street, and it looks like a pipe is going to hit the northwest drainage pipe. Is that how we are going to get water out of here, the storm water?"

City Clerk Tami Comte said, "That would be my guess, but I am not sure."

Planning Commission member Greg Aschoff agreed.

Planning Commission member Keith Marvin continued, "The next question is how are we getting power to these lots?"

City Clerk Tami Comte answered, "In the back. There is an easement along the back of the lots."

Planning Commission alternate Brian Small asked, "What about the center part by the green space?"

City Clerk Tami Comte answered, "That would also be along the back."

Planning Commission member Keith Marvin said, "I assume that it would all be underground?"

City Clerk Tami Comte answered, "Yes, that is what he (Pat Hoefft, Electric Supervisor) is planning."

Planning Commission member Keith Marvin asked, "It looks like there is an overhead line that runs along the west side of the development, are we pulling off and dropping down from that point?"

City Clerk Tami Comte responded, "I am not sure, that would be a question for Pat Hoeft. I know he likes to do underground as much as he can."

Planning Commission member Keith Marvin said, "It's ideal especially in town. Especially when you have ice storms, you don't have as much trouble that way."

City Clerk Tami Comte said, "I don't know where he is feeding from, I am sure it is probably "O" but then it could be from Northside. I just don't know for sure."

Planning Commission alternate Brian Small said, "I would assume they come from Northside there. I would think."

City Clerk Tami Comte said, "And that street is not a given right now."

Planning Commission member Jim Vandenberg said, "You mean the one off of 4th?"

City Clerk Tami Comte said, "Yeah."

Planning Commission member Keith Marvin asked, "Why is it not a given?"

City Clerk Tami Comte answered, "We may have to do eminent domain because he is having second thoughts. If we want the street there, we may have to do eminent domain."

Discussion continued.

Planning Commission member Greg Aschoff asked, "Are we no longer taking into consideration the possible future development to the east of this?"

City Clerk Tami Comte answered, "We don't really know. We have not had any indication that they are going to go ahead at this point."

Planning Commission member Greg Aschoff said, "I just wonder if we shouldn't have some sort of access to the street just in case."

City Clerk Tami Comte responded, "Well we do."

Planning Commission alternate Brian Small said, "On the north side?"

City Clerk Tami Comte added, "Yeah, there is a street that, for right now goes into nowhere."

Planning Commission member Greg Aschoff added, "That goes into H-KO."

Planning Commission member Jim Vandenberg said, "That goes to H-KO, but you are referring to the Dubb's property."

City Clerk Tami Comte said, "Oh, you are referring to the east."

Planning Commission member Greg Aschoff said, "I believe it was on the original."

City Clerk Tami Comte said, "It was on the original. I don't know why they've taken it off."

Discussion continued.

City Clerk Tami Comte said, "I don't know what you want to do, if you want to..."

Planning Commission member Jim Vandenberg said, "Well, it has to be questioned."

Planning Commission member Keith Marvin said, "I think we can still go ahead and make a recommendation but say here are the things we have concerns about."

Planning Commission member Jim Vandenberg said, "If you address these concerns, whatever you decide to do but we've made the concern questioned."

Chairman Jim Masek said, "Made them aware that there's some questions on some areas."

Planning Commission member Jim Vandenberg said, "So if they go ahead without it, it's their prerogative."

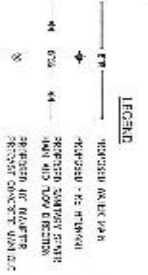
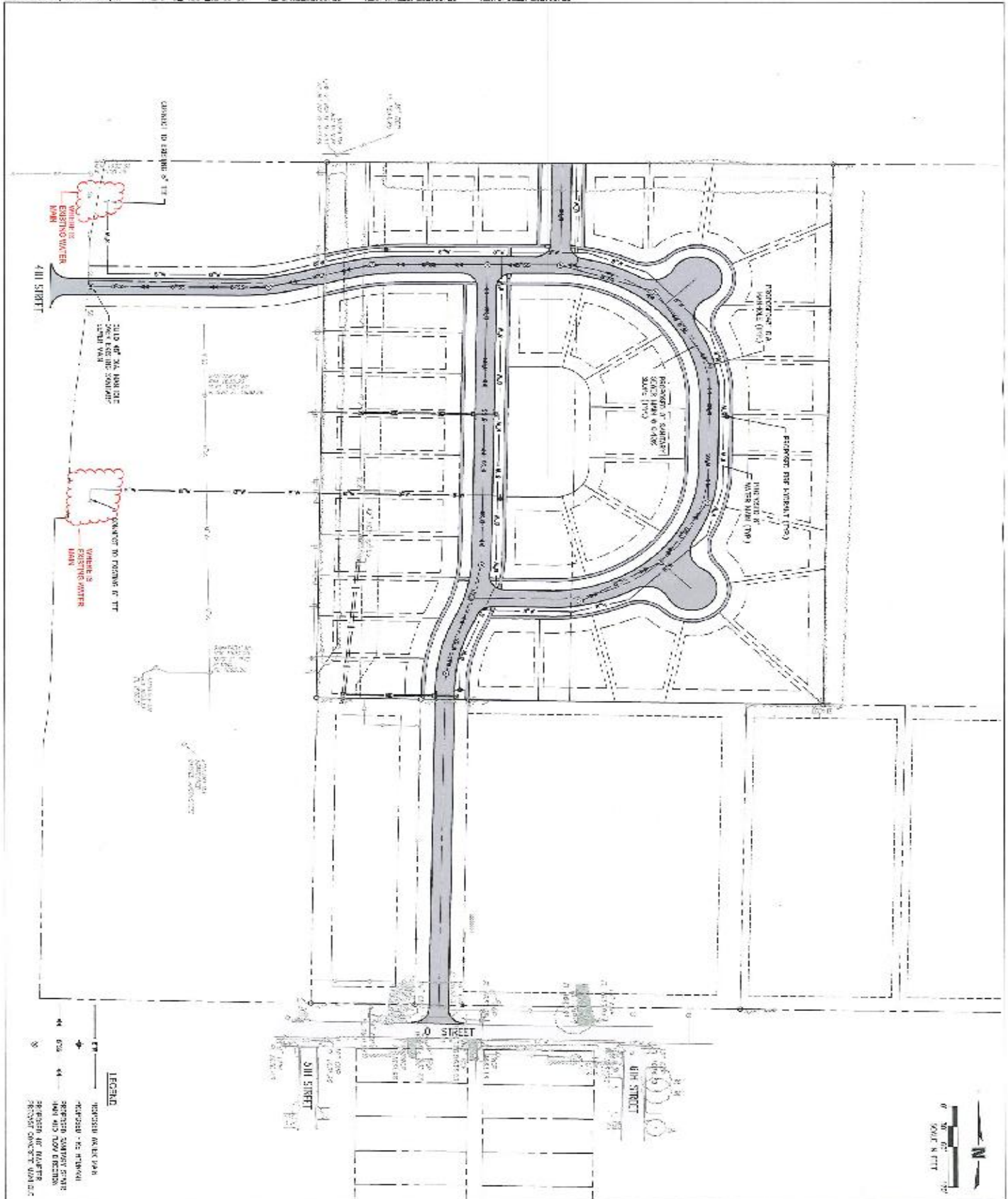
Planning Commission member Keith Marvin made a motion to close the public hearing at 8:11 a.m. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea 5, Nay: 0.

Planning Commission member Keith Marvin said, "I would make a motion to recommend approval of the final plat with a couple of questions and concerns. One being the right of way to the east that disappeared from the preliminary plat, is that still there? And we would recommend that it comes back before council approves it. I guess, I would like to make sure we know where storm water is going since it is such a big issue, I think it needs to be a little bit clearer than what it is and can assume. And instead of assuming where the power is, where is the power going to be located on this plat so that it is part of the official record when it is filed."

Planning Commission member Keith Marvin made a motion to recommend approval of the final plat of the Northland Subdivision to the City Council with concerns regarding a street to the east and storm water drainage issues and power supply issues. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

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DATE: 7/23/2022 10:58:00 AM PROJECT: 2022-07-23-001 DRAWN: J. SHIBEL CHECKED: J. SHIBEL DATE: 7/23/2022 10:58:00 AM PROJECT: 2022-07-23-001 DRAWN: J. SHIBEL CHECKED: J. SHIBEL



SHEET 7 OF 9	WATER & SANITARY SEWER PLAN NORTHLAND SUBDIVISION	REVISIONS NO. DATE BY DESCRIPTION	<p>20' East 2nd Street Omaha, NE 68102 TEL: 415.384.8700 www.olsson.com</p>
	DAVID CITY, NEB RASKA 2022	REVISIONS	

Planning Commission member Keith Marvin asked, "Michael, we have a question for you, we have one member of our Planning Commission that actually owns property in the area that we are looking at for this District TIF and was wondering if she has a conflict of interest. I guess, my initial feeling is no, because they truly have no financial gain in this whole thing."

Michael Sands responded, "Agreed, Keith. She doesn't need to recuse herself; she doesn't stand to gain from the project."

Planning Commission member Jim Masek made a motion to open the public hearing at 8:15 a.m. to consider a redevelopment plan entitled: "Redevelopment Plan for the David City Sewage Treatment Infrastructure Redevelopment Project for Redevelopment pursuant to the Community Development Law, Nebraska revised statutes, Section 18-2101, et seq., within a blighted and substandard redevelopment area in David City, Nebraska. Keith Marvin seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg; Yea. Yea: 5, Nay: 0.

Michael Sands with Baird Holm introduced himself and said, "This redevelopment plan is probably a little bit different than what you are used to for TIF. Only in that it covers that entire northwest redevelopment area of the city and what it does is it covers every property in that entire area and covers the natural valuation increase year over year for fifteen years on those properties. That natural increase on all the properties instead of just one property increase from improvements will go into a fund to fund the sewage treatment facilities. And the excess between this area and treatment facilities is that this area is prime for a lot of growth, updates or new treatment facilities are needed to support. The current state of the city's sewage treatment issues but certainly the future state of it; to allow for growth of the city and especially within that area. So, this will offset those costs which far exceed what will be collected through this District TIF, but this District TIF will offset those if everything pencils out and you get about a two percent year over year on average increase in valuations of that fifteen years on about an eight hundred thousand dollars offset toward that cost. So, know that would help the city out as debt service and pay off those bonds."

Planning Commission member Keith Marvin made a motion to close the public hearing at 8:18 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Greg Aschoff made a motion to approve Resolution 2-2022PC for the Redevelopment Plan for the Northwest Redevelopment Area (Sewage Treatment Facilities District TIF Project). Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

RESOLUTION NO. 2-2022 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DAVID CITY, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN ENTITLED "REDEVELOPMENT PLAN FOR THE NORTHWEST

REDEVELOPMENT AREA (SEWAGE TREATMENT FACILITIES DISTRICT TIF 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, "Redevelopment Plan for the Northwest Redevelopment Area (Sewage Treatment Facilities District TIF Project)" (the "Plan"), attached hereto and incorporated herein as Exhibit 1, setting forth certain redevelopment activities in the City of David City, Nebraska (the "City"), was submitted to the Planning Commission of the City for its review and recommendation; and

WHEREAS, on July 23, 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 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 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.

INTRODUCED BY GREG ASCHOFF

PASSED AND ADOPTED THIS 23RD DAY OF JULY, 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT 1

Plan

(See attached)

DOCS/2833575.1

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**REDEVELOPMENT PLAN FOR THE
NORTHWEST REDEVELOPMENT AREA
(SEWAGE TREATMENT FACILITIES DISTRICT TIF PROJECT)
DAVID CITY, NEBRASKA**

**PREPARED JUNE, 2022
FOR
THE COMMUNITY DEVELOPMENT
AGENCY OF
DAVID CITY, NEBRASKA**

I. Introduction

This Redevelopment Plan for a blighted and substandard area of the City of David City, Nebraska ("**Redevelopment Plan**") is a guide for redevelopment activities to remove or eliminate blighted and substandard conditions within the City of David City, Nebraska (the "**City**"). The Mayor and City Council of the City (the "**Council**"), recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, passed a resolution designating certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of section 18-2103 of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the "**Act**").

This Redevelopment Plan was prepared by the Community Development Agency of the City of David City (the "**CDA**"), and submits the implementation of a redevelopment project in the blighted and substandard community redevelopment area, commonly referred to as the Northwest Redevelopment Area (referred to herein as the "**Redevelopment Area**") to optimize the tax increment financing ("**TIF**") resources available for the construction of eligible public improvements. The TIF resources for the redevelopment project identified in this Redevelopment Plan will be derived from the natural valuation increase of all real property within the Redevelopment Area, rather than the increment created by a single project. The City estimates the natural valuation increases used to fund the TIF under this Redevelopment Plan will be approximately 2% per year based upon historical trends.

In accordance with the above, Section III(A) of this Redevelopment Plan contemplates a redevelopment project for the construction of new sewage treatment facilities for the City (the "**Project**") to serve the Redevelopment Area. As detailed below, the City anticipates and desires additional growth and development within the Redevelopment Area. However, the City's current sewage treatment facilities are outdated and cannot meet the demands that such development and growth will place on them. As such, even though the site of the sewage treatment facilities is not located within the Redevelopment Area, the infrastructure associated with the Project directly services and benefits the Redevelopment Area, and is a necessary component for fostering growth and development within the Redevelopment Area. Any additional redevelopment projects made part of this Redevelopment Plan shall be incorporated via an amendment hereto.

The Project and use of TIF for the same is authorized under section 18-2107(13), et al. of the Act. Section 18-2107(13) of the Act authorizes the CDA to, "plan, undertake, and carry out neighborhood development programs consisting of redevelopment project undertakings and activities in one or more community redevelopment areas which are planned and carried out on the basis of annual increments in accordance with the Community Development Law for planning and carrying out redevelopment projects." Section 18-2107(10) of the Act authorizes the CDA to, "make such expenditures as may be necessary to carry out the purposes of the Community Development Law." Section 18-2107(8) of the Act authorizes the CDA to, "make or have made all surveys, appraisals, studies, and plans . . . necessary to the carrying out of the purposes of the Community Development Law and to contract or cooperate with any and all

persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies, and plans.”

II. Redevelopment Area

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries and shows the existing land use of the Redevelopment Area. The Redevelopment Area is approximately located north of O Street and south of 37th Road, between Road M and North 4th Street.

If the City wishes to adopt a redevelopment plan for a stand-alone project on a parcel included within the Redevelopment Area, the City may do so by amending the boundaries of the Redevelopment Area, via an administrative amendment to this Redevelopment Plan and amendment to the “Notice to Divide” for the Project filed with the county assessor, to exclude such parcels so the excess ad valorem real estate taxes thereon may be divided and allocated toward the individual redevelopment project.

Notwithstanding the foregoing, any individual redevelopment projects shall continue to contribute TIF Revenues (defined below) in an amount equal to the assumed 2% natural property valuation increases for such parcel(s) toward the Project set forth in this Redevelopment Plan. This continuing contribution shall be made a requirement in the “redevelopment contract” (as defined in the Act) for any such individual redevelopment project.

The Project set forth in this Redevelopment Plan shall benefit the Redevelopment Area, inclusive of all parcels therein, via the contribution of infrastructure that is necessary for the Redevelopment Area’s growth. Additionally, the improvements included as part of the Project are vital to the public health and safety of the City. The sewage treatment facilities benefits and is utilized by all property owners in the Redevelopment Area, as well as the City as a whole.

III. Project Plan

This Redevelopment Plan contemplates construction of a new sewage treatment facilities for the City. The City and CDA may amend this Redevelopment Plan to incorporate additional redevelopment projects in furtherance of the goals and objectives of the redevelopment of the Redevelopment Area. All redevelopment projects set forth in this Redevelopment Plan, as may be amended or supplemented, will be funded (in part) by TIF Revenues derived from the natural valuation increases of all real property in the Redevelopment Area. The new sewage treatment facilities will be constructed at the site of the current sewage treatment facilities, which will be decommissioned as part of the Project.

A. Sewage Treatment Facilities Project Overview

The Project consists of the construction of new sewage treatment facilities, which the City will undertake using, among other things, the division of ad valorem taxes in the

Redevelopment Area derived from natural property value increases. The current wastewater treatment facility was constructed between 1997 and 1998. The facility is now beyond its useful life and cannot support the expected and necessary growth and development desired by the City, and specifically located within the Redevelopment Area. Besides the natural deterioration of the current facility, the City has experienced, and continues to experience, growth in both population and industry, placing added burden on the current facility which are beyond its capabilities to accommodate. As such, the current facility can no longer meet the needs of the City – both as a whole and with respect to the anticipated growth and development within the Redevelopment Area. As such, while the Project is not located within the Redevelopment Area, it directly relates to and benefits the Redevelopment Area via the construction of sewage treatment facilities which are a vital component of the growth and development of the Redevelopment Area anticipated and desired by the City.

The Project involves the site preparation, construction, and such other work related to the construction of the new sewage treatment facility, as detailed in **Exhibit "B"**, attached hereto and incorporated herein.

The City anticipates commencement of the Project in 2023, and completion of the Project by the spring of 2024, subject to external delays. The Project will be funded, in part, by a portion of the TIF Revenues generated from the Redevelopment Area, as further detailed in Section III(H), below.

B. Conformance with the Comprehensive Plan

This Redevelopment Plan was developed on the basis of goals, policies and actions adopted by the City for the Redevelopment Area and community as a whole. It is essential to the City's Comprehensive Plan ("**Comprehensive Plan**") that the City's public infrastructure conform to the current and future needs of the City as it continues to grow and expand. The Project will further the City's adopted plans and stated goals.

The Comprehensive Plan sets forth the following guidance and objectives with respect to the Project and the City as a whole:

- Continue to encourage population and employment growth to enhance the tax base and economic viability of the community.
- Plan, provide, and maintain efficient and effective public infrastructure that promotes sustained development with a focus on water and sewer facilities.
- Ensure older infrastructure facilities are rehabilitated so the level of service is consistent with customer expectations.

In accordance with the forgoing, the Project and this Redevelopment Plan is feasible and in conformity with the Comprehensive Plan as a whole, and conforms to the legislative declarations and determinations set forth in the Act.

D. Existing Conditions in Redevelopment Area

1. Existing Land Use

The Redevelopment Area consists of a mix of vacant agricultural land, industrial use, commercial use and residential use, as shown on **Exhibit "A"**. The site of the Project consists of the City's current sewage treatment facilities.

2. Existing Zoning

The Redevelopment Area currently contains FS (Flex Space Mixed Use), I-2 (Heavy Industrial), C-1 (Highway Commercial) and R-1 (Single Family Residential) districts.

3. Existing Public Improvements

There are currently public improvements and infrastructure serving the Redevelopment Area. However, in light of the deteriorating condition of the current sewage treatment facilities and anticipated future development, further enhancement of the public sewage treatment infrastructure is necessary. The current sewage treatment facilities will not be able to meet the needs of any further population or industry growth generated from the potential improvements in the Redevelopment Area.

E. Proposed Redevelopment

1. Public Improvements

The Project consists of constructing new sewage treatment facilities as well as other public improvements. Such improvements will include site excavation, construction of the facility and other TIF-eligible expenses related to the enhancement of the Redevelopment Area.

a. *Public Access; Traffic Flow, Street Layouts and Street Grades*

The Project will not require additional public access to the new facility. Notwithstanding, the public improvements for the Project will address any traffic and street infrastructure concerns created thereby.

b. *Construction of Water and Sewer Improvements*

The Project involves the construction of new sewage treatment infrastructure. Large commercial and industrial development is anticipated within the Redevelopment Area. This

development will increase the demand on the City's sewage treatment facilities, which currently are at maximum capacity.

c. *Other incidental improvements*

No further improvements are anticipated in relation to the Project.

d. *Additional public facilities or utilities*

Other than the improvements detailed above, the CDA anticipates that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Area at this time.

e. *Property Acquisition, Demolition and Disposal*

No public acquisition of private property or relocation of families or businesses by the City or the CDA is necessary to accomplish the Project.

f. *Population Density*

The CDA does not anticipate the Project will directly impact population density in the Redevelopment Area, but will aid the City in future population growth.

g. *Land Coverage*

The CDA does not anticipate the Project will change existing land coverage ratios in the area.

h. *Parking*

The CDA does not anticipate the Project will impact current parking in the City or include construction of additional parking lots/structures.

g. *Zoning, Building Code and Ordinance*

The Redevelopment Area is zoned as a mix of FS (Flex Space Mixed Use), I-2 (Heavy Industrial), C-1 (Highway Commercial) and R-1 (Single Family Residential). The CDA does not anticipate that any zoning changes will be necessary to carry out the Project.

2. Private Improvements

The Project does not include any private improvements. The City will analyze any future private improvements within the Redevelopment Area on an individual basis, in conformance with this Redevelopment Plan and the Act.

F. Project Costs

The total estimated cost of the Project is \$13,000,000. A breakdown of the estimated costs of the Project are listed in **Exhibit "C"**, attached hereto and incorporated herein.

G. Implementation

The City intends to commence construction of the Project in 2023. The City anticipates completion of the Project by spring of 2024, subject to external delays.

H. Financing

The City and the CDA contemplate the use of TIF for the Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in relation to a redevelopment project shall be divided, for a period not to exceed fifteen years after the "effective date" (as defined in the Act), as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the area of redevelopment shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("**Base Tax Amount**"); and
- (b) That portion of the ad valorem tax on real property in the area of redevelopment in excess of the Base Tax Amount, if any, (i.e., the "**TIF Revenues**") shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Project, the base tax year in which the Base Tax Amount is determined shall be 2021. The "Effective Date" (as defined in the Act) shall be January 1, 2022. The allocation of TIF Revenues for the Project shall be set forth in a resolution authorizing the issuance and administration of the same, and the terms of such resolution shall govern.

1. Necessity of TIF

The Project is necessary for the continued growth and further development of the City. One of the core responsibilities of the City is to provide adequate waste water services to its citizens to protect public health, safety and welfare. The City experienced sustained growth over the past few years and anticipates continued growth. The age of the current facilities and sustained growth and development of the City has resulted in a need for new sewage treatment

infrastructure that provides greater efficiency and capacity. Such infrastructure is especially necessary with respect to the anticipated and desired growth and development of the City within the Redevelopment Area. This growth is crucial to the economic vitality of the City. Without construction of new sewage treatment facilities, the City will not be able to sustain such new growth and development and will stagnate.

The City desires to be proactive and construct the sewage treatment facilities before new development renders the current facilities inadequate. However, the City would not have adequate funds to cover the costs of the Project without the use of TIF to supplement the City's other funding sources derived from grants and the City's general fund. Accordingly, the Project is not economically feasible, and would not occur, but-for the assistance of TIF.

2. Sources and Uses of Financing

Based upon the projections in Exhibit "C", the CDA contemplates issuance of a TIF bond or note in an amount not to exceed \$799,615 to cover a portion of the cost of the Project (the "**TIF Indebtedness**"). The balance of the cost of the Project will be paid via the allocation of general-use funds and grant funds received by the City. As shown on Exhibit "D", attached hereto and incorporated herein, the TIF Indebtedness amount does not exceed the anticipated TIF-eligible costs. Further detail and governance related to the TIF Indebtedness shall be set forth in a resolution authorizing the issuance and administration of the same, and the terms of such resolution shall govern.

I. **Cost-Benefit Analysis**

A cost-benefit analysis for the Project is attached as Exhibit "E", and incorporated herein.

Exhibits:

- Exhibit A: Redevelopment Area and Existing Use
- Exhibit B: Preliminary Project Site Plan
- Exhibit C: Estimated Construction Costs of Project
- Exhibit D: Sources and Uses of TIF
- Exhibit E: Cost-Benefit Analysis

EXHIBIT "A"

Redevelopment Area and Existing Use

Legal Description:

The Point of Beginning is northeast corner of a parcel referred to 18-15-3 David City 18-15-3 NW1/4 (PID 120008566), thence westerly along the north property line of said lot and continuing to the NW corner of a parcel referred to as 18-15-3 David City 18-15-3 PT NW1/4 (PID 120008569), thence, southerly along the west property line of said parcel to the intersection with the BNSF Railroad right-of-way and following said right-of-way to the south property line of said parcel, thence easterly along the south property line of said parcel, and continuing easterly along the south property line of a parcel referred to as 18-15-3 David City 18-15-3 PT SE1/4NW1/4 (PID 120008565) to the SE corner of said parcel; thence, southerly along the east property line of said parcel and continuing southerly along the west property lines of lots to the SW corner of a parcel referred to as 18-15-3 David City 18-15-3 PT NE1/4SW1/4 (PID 120008579); thence, westerly along the north right-of-way line of Timpfe Parkway and continuing to the NW corner of said right-of-way; thence, southerly along the west right-of-way line of Timpfe Parkway to the intersection with the NE corner of a parcel referred to as 18-15-3 David City PT of Lots 8-13, Blk 1, and Schmids Addition and vacated "S" Street; thence westerly along the northern property line of said parcel to the NW corner of said parcel; thence, northerly along the east property line of a parcel referred to as 18-15-3 Lots 1, 3-7, PT of Lots 8-13, Blk 1 Schmids Addition and PT of vacated "S" Street to the NE corner of said parcel; thence, westerly along the north property line of said parcel to the NW corner; thence, southerly along the west property line of said parcel to the intersection with the BNSF Railroad right-of-way and following said right-of-way to the intersection with the SW corner of a parcel referred to as 18-15-3 David City S 80.2' of Lot 1, Blk 2 Hilgers Addition, thence, easterly along the south right-of-way line of "N" Street and continuing to the intersection with the centerline of "5th" Street; thence northerly along said centerline to the intersection with the centerline of "O" Street; thence, easterly along said centerline to the extended east property line of a parcel referred to as 18-15-3 David City PT Lot 7 DC Land and Lot Company's Suburban Lots; thence northerly along the east property line of said parcel to the NE corner of the parcel; thence, westerly along the north property line of said parcel to the intersection with the east property line of a parcel referred to as 18-15-3 David City 18-15-3 PT of Lot 8 in S1/2SE1/4 and PT Lot 7 DC Land and Lot Company's Suburban Lots; thence, northerly along said east property line and continuing northerly along the east property lines to the NE corner of a parcel referred to as 18-15-3 David City 18-15-3 PT Lot 8 DC Land and Lot Company's Suburban Lots; thence, westerly along the north property line of said parcel to the intersection with the west right-of-way of Nebraska Highway 15; thence, northerly along the west right-of-way line of Nebraska Highway 15 and continuing northerly to the POB; excluding a parcel referred to as 18-15-3 David City 18-15-3 PT NW1/4 (PID 120008567).

Depiction:

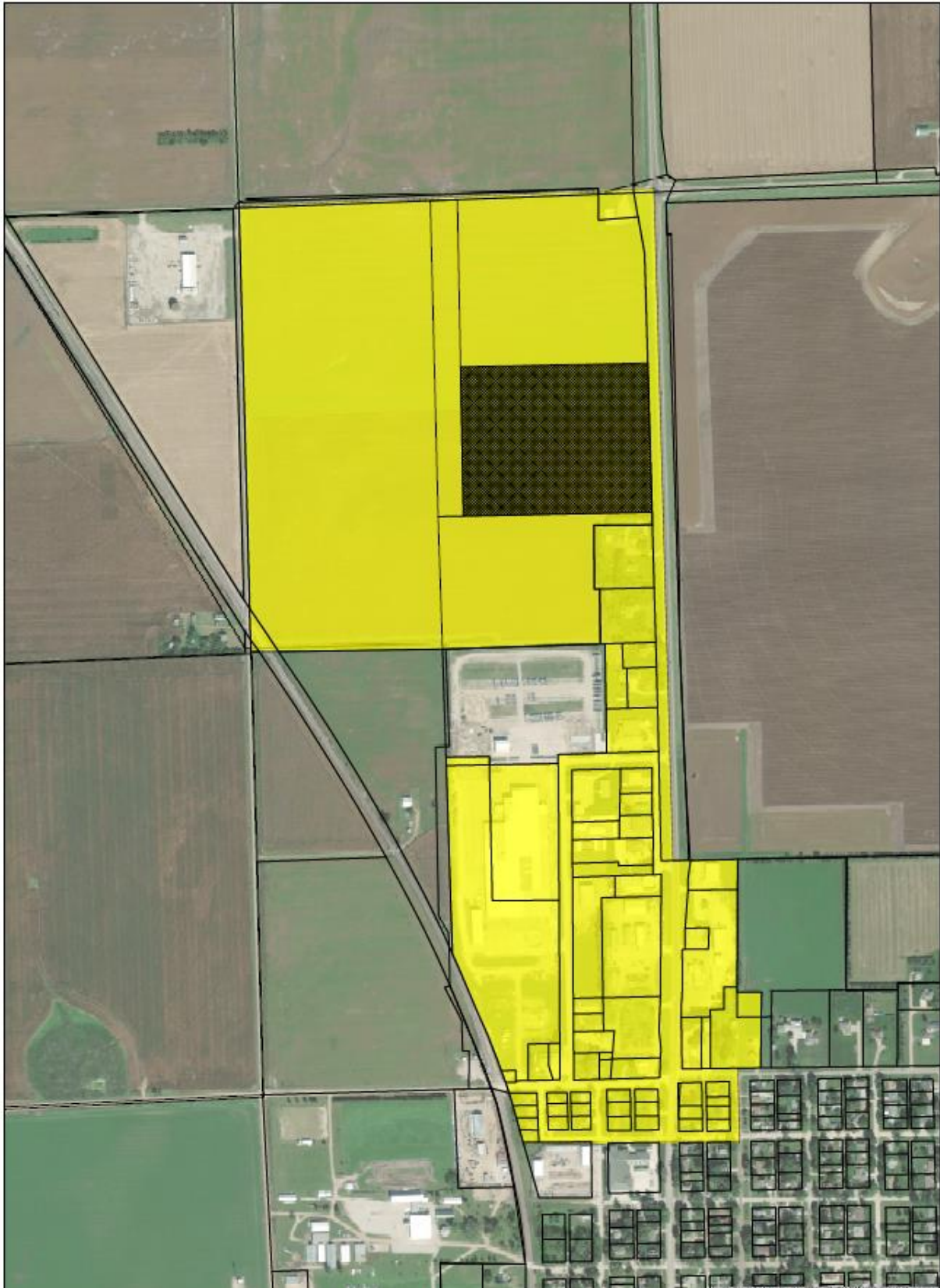


Exhibit "A"

Existing Conditions of Redevelopment Area and Surrounding Area:

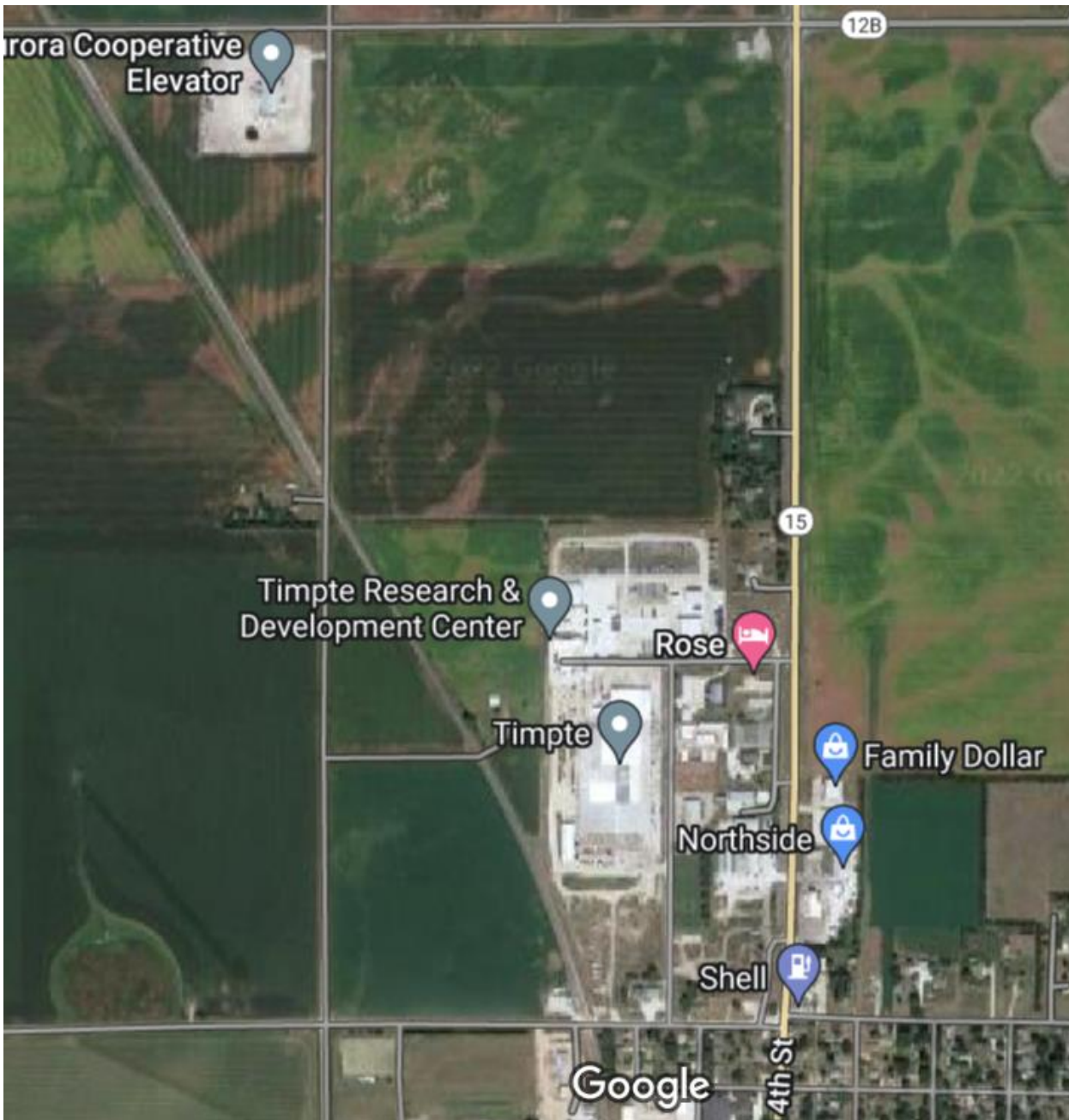
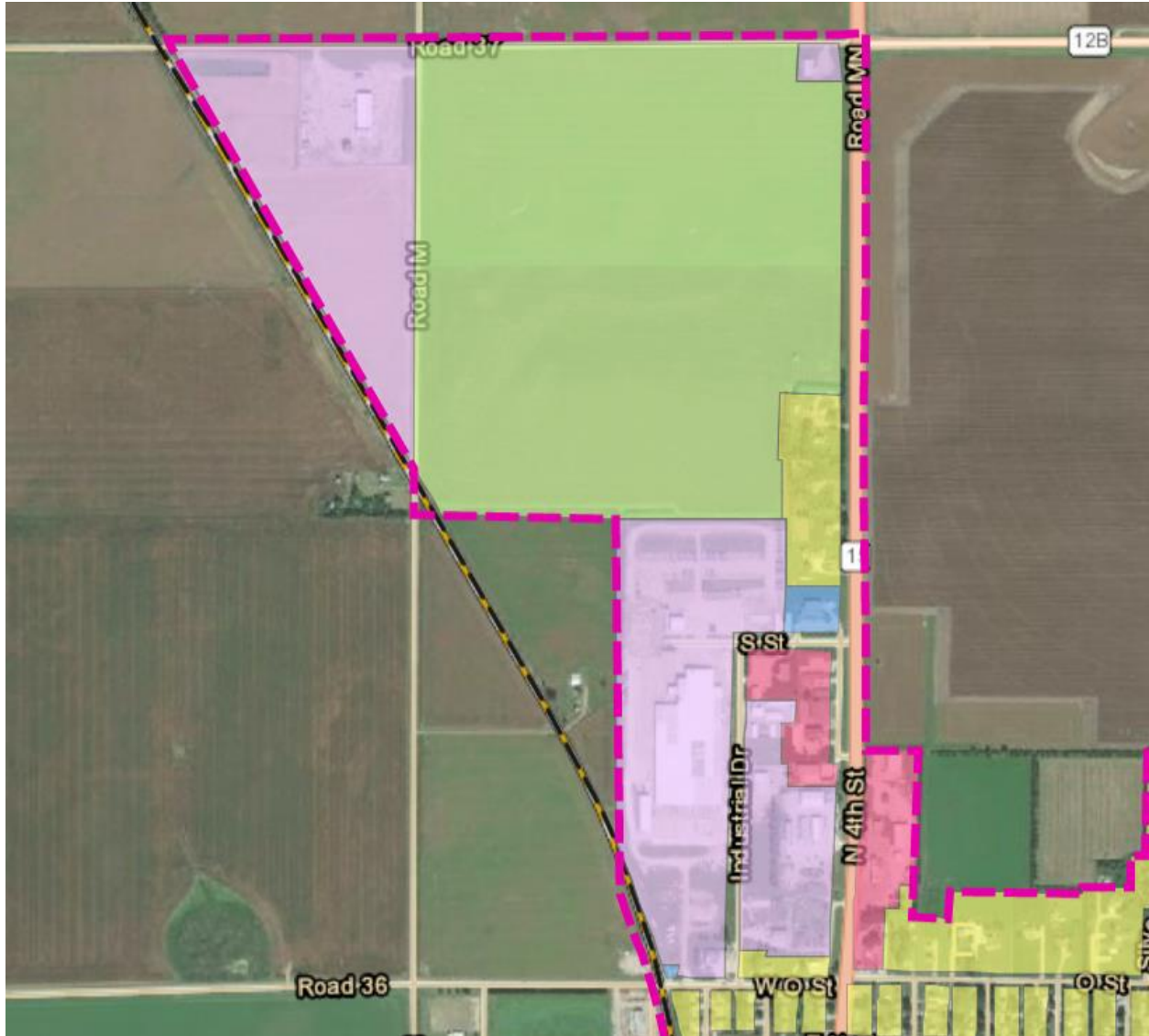


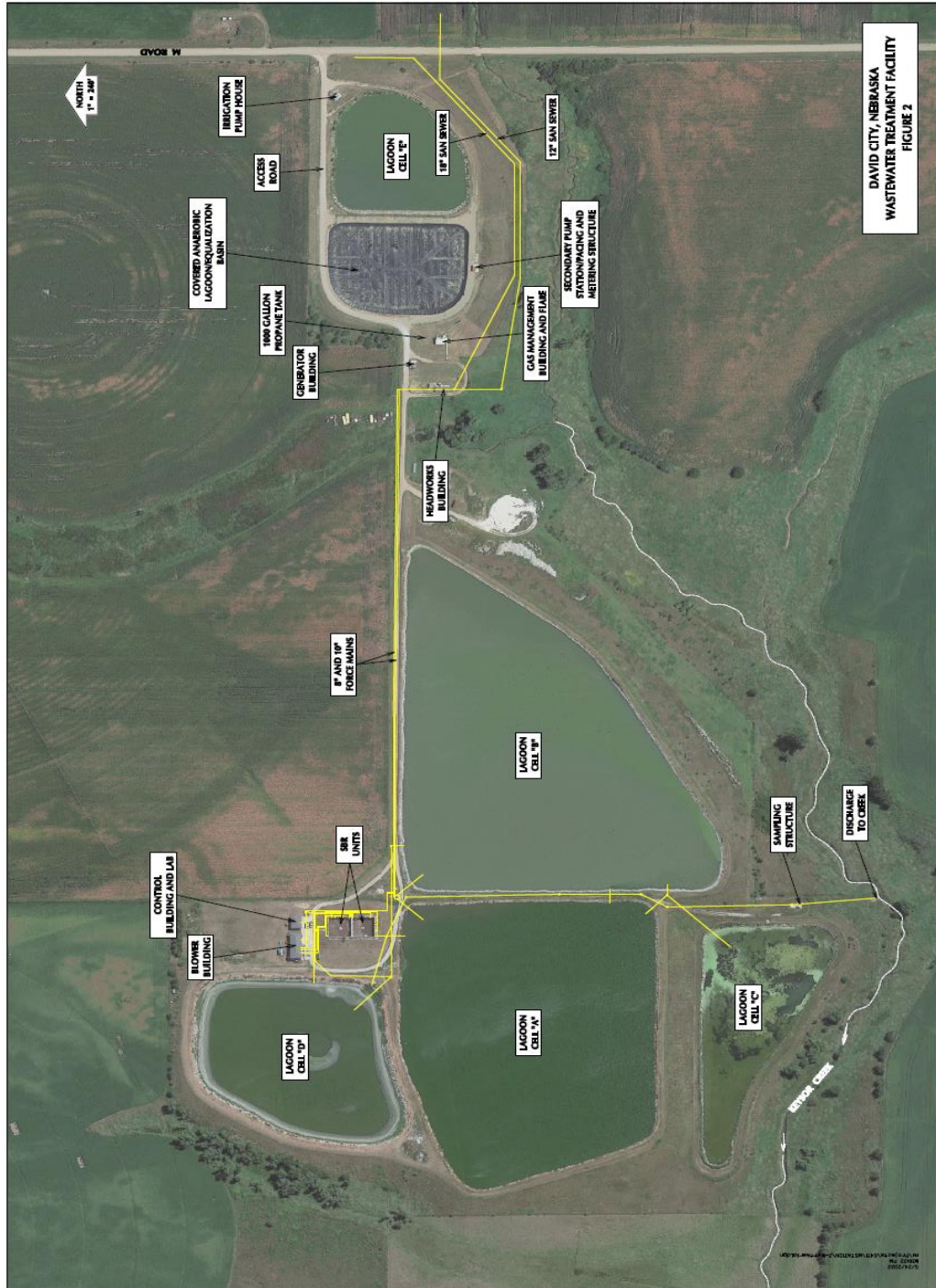
Exhibit "A"

Current Land Use Map



* A more legible version of the above map is available at the office of the City Clerk

EXHIBIT "B"
Preliminary Site Plan



* The attached depiction is preliminary in nature and subject to change.

Exhibit "B"

EXHIBIT "C"

Estimate of Construction Costs

COST CLASSIFICATION	ESTIMATED TOTAL COST
1. Administrative and legal expenses	175,000
2. Land, structures, right-of-ways, appraisals, etc.	
3. Relocation expenses and payments	
4. Architectural and engineering fees	775,000
5. Project inspection fees	700,000
6. Site work, demolition and removal	
7. Construction	9,500,000
8. Equipment	
9. Miscellaneous	
10 SUBTOTAL (sum of lines 1-9)	11,150,000
11. Contingencies	1,850,000
12. SUBTOTAL (sum of lines 10-11)	13,000,000
13. Less project (program) income	0
14. TOTAL PROJECT COSTS (line 12 minus 13)	13,000,000

* The above figures are preliminary projections and subject to change.

EXHIBIT "D"

Sources and Uses of TIF

SOURCES

Assumptions:

Base Tax Amount of Redevelopment Area	\$18,547,195
Post-Redevelopment Valuation	See below chart
Tax Levy	1.65%
Annual Increase to Assessed Valuation	2%
Tax Increment Generated	\$799,615

Amortization:

DATE	Total Taxable Valuation	Less Pre-Development Base	TIF Taxable Valuation	Tax Levy	Tax Revenues	Treasurer's 1% Collection Fee	Revenues Available For TIF Loan
0	\$ 18,547,195						
0.5	\$ 18,918,139	\$ 18,547,195	\$ 370,944	1.65000	\$ 3,055	\$ 31	\$ 3,024
1	\$ 18,918,139	\$ 18,547,195	\$ 370,944	1.65000	\$ 3,060	\$ 31	\$ 3,029
1.5	\$ 19,296,502	\$ 18,547,195	\$ 749,307	1.65000	\$ 6,182	\$ 62	\$ 6,120
2	\$ 19,296,502	\$ 18,547,195	\$ 749,307	1.65000	\$ 6,182	\$ 62	\$ 6,120
2.5	\$ 19,682,432	\$ 18,547,195	\$ 1,135,237	1.65000	\$ 9,366	\$ 94	\$ 9,272
3	\$ 19,682,432	\$ 18,547,195	\$ 1,135,237	1.65000	\$ 9,366	\$ 94	\$ 9,272
3.5	\$ 20,076,080	\$ 18,547,195	\$ 1,528,885	1.65000	\$ 12,613	\$ 126	\$ 12,487
4	\$ 20,076,080	\$ 18,547,195	\$ 1,528,885	1.65000	\$ 12,613	\$ 126	\$ 12,487
4.5	\$ 20,477,602	\$ 18,547,195	\$ 1,930,407	1.65000	\$ 15,926	\$ 159	\$ 15,767
5	\$ 20,477,602	\$ 18,547,195	\$ 1,930,407	1.65000	\$ 15,926	\$ 159	\$ 15,767
5.5	\$ 20,887,154	\$ 18,547,195	\$ 2,339,959	1.65000	\$ 19,305	\$ 193	\$ 19,112
6	\$ 20,887,154	\$ 18,547,195	\$ 2,339,959	1.65000	\$ 19,305	\$ 193	\$ 19,112
6.5	\$ 21,304,897	\$ 18,547,195	\$ 2,757,702	1.65000	\$ 22,751	\$ 228	\$ 22,523
7	\$ 21,304,897	\$ 18,547,195	\$ 2,757,702	1.65000	\$ 22,751	\$ 228	\$ 22,523
7.5	\$ 21,730,995	\$ 18,547,195	\$ 3,183,800	1.65000	\$ 26,266	\$ 263	\$ 26,003
8	\$ 21,730,995	\$ 18,547,195	\$ 3,183,800	1.65000	\$ 26,266	\$ 263	\$ 26,003
8.5	\$ 22,165,615	\$ 18,547,195	\$ 3,618,420	1.65000	\$ 29,852	\$ 299	\$ 29,553
9	\$ 22,165,615	\$ 18,547,195	\$ 3,618,420	1.65000	\$ 29,852	\$ 299	\$ 29,553
9.5	\$ 22,608,927	\$ 18,547,195	\$ 4,061,732	1.65000	\$ 33,509	\$ 335	\$ 33,174
10	\$ 22,608,927	\$ 18,547,195	\$ 4,061,732	1.65000	\$ 33,509	\$ 335	\$ 33,174
10.5	\$ 23,061,106	\$ 18,547,195	\$ 4,513,911	1.65000	\$ 37,240	\$ 372	\$ 36,868
11	\$ 23,061,106	\$ 18,547,195	\$ 4,513,911	1.65000	\$ 37,240	\$ 372	\$ 36,868
11.5	\$ 23,522,328	\$ 18,547,195	\$ 4,975,133	1.65000	\$ 41,045	\$ 410	\$ 40,635
12	\$ 23,522,328	\$ 18,547,195	\$ 4,975,133	1.65000	\$ 41,045	\$ 410	\$ 40,635
12.5	\$ 23,992,774	\$ 18,547,195	\$ 5,445,579	1.65000	\$ 44,926	\$ 449	\$ 44,477
13	\$ 23,992,774	\$ 18,547,195	\$ 5,445,579	1.65000	\$ 44,926	\$ 449	\$ 44,477
13.5	\$ 24,472,630	\$ 18,547,195	\$ 5,925,435	1.65000	\$ 48,885	\$ 489	\$ 48,396
14	\$ 24,472,630	\$ 18,547,195	\$ 5,925,435	1.65000	\$ 48,885	\$ 489	\$ 48,396
14.5	\$ 24,962,083	\$ 18,547,195	\$ 6,414,888	1.65000	\$ 52,923	\$ 529	\$ 52,394
15	\$ 24,962,083	\$ 18,547,195	\$ 6,414,888	1.65000	\$ 52,923	\$ 529	\$ 52,394
	=====	=====	=====		\$807,693	\$8,078	\$799,615

USES

COST CLASSIFICATION	ESTIMATED TOTAL COST
1. Administrative and legal expenses	175,000
2. Land, structures, right-of-ways, appraisals, etc.	
3. Relocation expenses and payments	
4. Architectural and engineering fees	775,000
5. Project inspection fees	700,000
6. Site work, demolition and removal	
7. Construction	9,500,000
8. Equipment	
9. Miscellaneous	
10 SUBTOTAL (sum of lines 1-9)	11,150,000
11. Contingencies	1,850,000
12. SUBTOTAL (sum of lines 10-11)	13,000,000
13. Less project (program) income	0
14. TOTAL PROJECT COSTS (line 12 minus 13)	13,000,000

* The above "sources" and "uses" are estimates based upon the assumptions of the CDA and the City and are subject to change.

EXHIBIT "E"

**Cost-Benefit Analysis
(Pursuant to Neb. Rev. Stat. § 18-2113)**

The cost-benefit analysis for the Project, as described in the attached Redevelopment Plan, which will utilize funds authorized by section 18-2147 of the Act, is provided below:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The taxes generated by the base value of the Redevelopment Area will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Redevelopment Area will be captured to pay for the Project's eligible expenditures. For the purposes of illustrating the incremental taxes used for TIF, the estimated 15 year tax shift for the Project is set forth under the "Assumptions" in **Exhibit "D"** of the Redevelopment Plan.

Notes:

The Base Tax Amount provided above is based upon the assessed value of the Redevelopment Area in 2021.

The projected TIF Revenues are based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount.

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Project:

a. **Public Infrastructure Improvements and Impacts:**

The City will construct new sewage treatment facilities to address its current and future needs. The proposed improvements include site excavation, construction of new sewage treatment facilities and such other work detailed in the Redevelopment Plan. The modernized sewage treatment facilities will positively impact City residents and protect the public health, safety and welfare of the community.

b. Local Tax Impacts (in addition to impacts of Tax Shifts described above):

Without the use of TIF, the Project could only be paid for via an increase of taxes and assessments passed through to the residents of the City. Accordingly, the use of TIF for the Project should provide tax relief for residents. Additionally, the CDA and City anticipate that the static property tax amounts received by the taxing jurisdictions during the TIF period for the Project will be adequate to fund city services associated therewith. Accordingly, it is not anticipated that the Project will have a material adverse impact on the City or City services. Rather, the Project will provide a net benefit to the City and City services.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the Project:

The Project should not adversely impact employers or employees within the Redevelopment Area. Employers and employees should benefit from the improved sanitary services the Project will provide.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the Project:

The Project will provide needed infrastructure improvements to the sewage treatment facilities, which will benefit employers, employees, and the City in general. Such improvements should not have a negative impact on local employers or employees. Employers and employees should benefit from the improved sanitary services the Project will provide.

5. Impacts on student populations of school districts within the City:

The Project will not impact student populations of school districts within the City.

6. Other impacts determined by the CDA to be relevant to the consideration of costs and benefits arising from the Project:

It is imperative that the City continue to be able to provide adequate wastewater services to its current and future residents and businesses. The current sewage treatment facilities cannot sustain further growth. The City must build a new facility to meet the growing need. There are no other material impacts determined by the City or CDA relevant to the consideration of the cost or benefits arising from the Project. As such, the benefits of the Project outweigh the costs.

Chairman Jim Masek stated the next thing on the agenda was discussion concerning holding a special comprehensive plan meeting.

Planning Commission member Keith Marvin said, "If you guys are open to it, I think we need to hold a special meeting during the week early evening. I would have Tami coordinate a date with Chris and I to hold the special meeting. I would like to be here when you go through it."

City Clerk Tami Comte asked, "What is the next step after that?"

Planning Commission member Keith Marvin said, "If we get that and we all like what we see then we will probably send him away with changes, we will get those changes back, then we may be ready for public hearing."

City Clerk Tami Comte asked, "And that is at Planning Commission or Council?"

Planning Commission member Keith Marvin answered, "Both."

City Clerk Tami Comte said, "So, if we can do that, soon enough to get it on the, or is it already to late for the August Planning Commission meeting? Which is the 13th of August."

Planning Commission member Keith Marvin answered, "That would be to late. I am thinking the earliest we would be able to hear it is September."

Discussion continued.

City Clerk Tami Comte will contact Chris with MSA to determine a date to meet for the comprehensive plan and presenting it to the Planning Commission and determine if there are any updates or changes that need to be made.

There being no further business to come before the Planning Commission, Chairman Jim Masek declared the meeting adjourned at 8:37 a.m.

Minutes by Lori Matchett, Deputy City Clerk