

December 16, 2019 COMMUNITY DEVELOPMENT AGENCY MINUTES

A regular meeting of the CDA of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:00, on Monday, December 16, 2019 at the Fort Calhoun Council Chambers, in Fort Calhoun, Nebraska.

Notice of the meeting was given in advance thereof by publication, said form of notice being a designated method for giving notice, an affidavit of publication being attached to these minutes.

Advance notice of this meeting was also given to the Chairman and all CDA Members. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and CDA Members.

Chairman Robinson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Please note that the meeting minutes are not approved until the next regular City Council meeting.

On roll call, the following CDA Members answered present: Nick Schuler, Lori Lammers, Bob Prieksat, and Terry Fitzgerald.

With a quorum present, Chairman Robinson presided, and the secretary recorded the proceedings.

Member Prieksat introduced **Resolution 2019-16 – Redevelopment Plan Agreement – Northern Hills Ventures LLC Redevelopment Project**. Andrew Willis, TIF Council for the City of Fort Calhoun, discussed the agreement to the redevelopment plan. He explained Sections 2 and 22, pointing out the parking agreement, the waiving of fees, and the timeline for these to fall into place. Michael Sands, TIF Attorney for Northern Hills Ventures, discussed the sections as well. Both were in agreement on the terms. Member Prieksat made a motion, seconded by member Fitzgerald to approve the agreement with the amended two sections, Section 2 and Section 22. On roll call the following voted “Aye”: Fitzgerald, Schuler, Lammers, and Prieksat. The passage and adoption of said Resolution having been concurred by most of all members of the CDA, the Chairman declared the Resolution adopted and, in the presence of the CDA, signed and approved the Resolution and the Secretary attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of the said Resolution is as follows:

**COMMUNITY DEVELOPMENT AGENCY OF THE
CITY OF FORT CALHOUN, NEBRASKA**

RESOLUTION 2019-16

(Redevelopment Agreement – Northern Hills Ventures, LLC Redevelopment Project)

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING AND APPROVING A REDEVELOPMENT AGREEMENT FOR THE NORTHERN HILLS VENTURES, LLC REDEVELOPMENT PROJECT UTILIZING TAX INCREMENT FINANCING; AND TAKING OTHER ACTIONS REQUIRED OR PERMITTED UNDER THE COMMUNITY DEVELOPMENT LAW.

RECITALS

- A. The City of Fort Calhoun, Nebraska (“City”), has adopted a general redevelopment plan (“Redevelopment Plan”) for certain portions of the City as defined in the Redevelopment Plan (the “Redevelopment Area”).
- B. The Community Development Agency of the City of Fort Calhoun, Nebraska (“CDA”), in furtherance of the purposes and pursuant to the provisions of the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2154, as amended (the “Act”) has approved the Amendment to the Redevelopment Plan (the “Amendment”) to create and implement the Northern Hills Ventures, LLC Redevelopment Project (“Project”) in the Redevelopment Area.
- C. The CDA 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 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 Redevelopment Plan Amendment and the Redevelopment Agreement.

NOW THEREFORE BE IT RESOLVED, the CDA hereby approves the Redevelopment Agreement and authorizes the Chairperson of the CDA 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 CDA.

BE IT FURTHER RESOLVED, the CDA hereby authorizes the Chairperson of the CDA to take all actions contemplated and required in the Redevelopment Agreement including, without limitation, the issuance of TIF Indebtedness as set forth in 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 CDA or the City.

BE IT FURTHER RESOLVED, the CDA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

BE IT FURTHER RESOLVED, the foregoing resolutions are subject to and contingent upon the City Board's approval and adoption of the Amendment, and if the City Board does not approve and adopt the Amendment, the resolutions contained herein shall be void and of no effect.

Dated this 16TH day of December, 2019.

COMMUNITY DEVELOPMENT AGENCY
of the City of Fort Calhoun, Nebraska
Mitch Robinson, Chairman

ATTEST: Katie Knight, Secretary

Following a motion and vote, Mayor Robinson declared the meeting adjourned at 7:22 p.m.

DECEMBER 16, 2019 CITY COUNCIL MINUTES

A regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:23, on Monday, December 16, 2019 at the Fort Calhoun Council Chambers, in Fort Calhoun, Nebraska.

Notice of the meeting was given in advance thereof by publication, said form of notice being a designated method for giving notice, an affidavit of publication being attached to these minutes.

Mayor Robinson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

In accordance with Section 84-1412 sub section eight (8) of the Reissue Revised State Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written material to be discussed is available to the public at this meeting for examination and copying.

Mayor Robinson stated persons wishing to address the Governing Body on an agenda item shall wait to be identified by the Presiding Officer; then, after stating their name and address for the record, may proceed to speak. No person, other than the Council and the person having the floor will be permitted to enter any discussion without the permission of the Presiding Officer. Remarks shall be limited to five minutes unless extended or limited and repetitive or cumulative remarks may be limited or excluded by the Presiding Officer.

Please note that the meeting minutes are not approved until the next regular City Council meeting.

On roll call, the following Council Members answered present: Lori Lammers, Bob Prieksat, Terry Fitzgerald, and Nick Schuler.

With a quorum present, Mayor Robinson presided, and the clerk recorded the proceedings.

Member Prieksat made a motion, seconded by member Fitzgerald to approve the consent as presented. With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

(The consent agenda included: November 18, 2019 City Council minutes; November Treasurers Report; November 12, 2019 Planning Commission minutes; November 7, 2019 Park Board minutes; November 25, 2019 Enhancement Committee minutes; Maintenance Report; November 2019 Washington County Sheriff's Report)

Member Fitzgerald made a motion seconded by member Schuler to approve the following bills:

OPPD, 2603.00, utl; MUD, 316.29, utl; Papio M-R NRD, 4782.85, water; Abe's Portables, 150.00, ser; Abe's Trash, 113.40, ser; Access Systems Leasing, 187.44, sup; Aflac, 378.64, ben; Am. Broadband, 534.13, utl; Barco, 697.00, sup; Blair Ace Hardware, 99.87, sup; Bobcat of Omaha, 3500.00, lease; BOK Financial, 3231.66, bond; Bomgaars, 326.77, sup; Bowser Transfer, 228.35, ser; Brians Tree Service, 3350.00, ser; Brite Ideas, 539.75, sup; Chase, 3050.00, bond; City of Blair, 6011.91, ser; Clint Scott, 877.25, ser; Conoco Fleet, 370.48, ser; Deb Sutherland, 131.16, reimb.; EFTPS, 3438.83, payroll tax; Enterprise Media, 194.31, ser; Fastenal, 6.90, sup; JDW Midwest, 326.15, ser; Jeanne Knight, 600.00, don; JEO Consulting, 6442.29, ser; JM Web Designs, 205.95, ser; John Deere Financial, 3800.00, ser; Kelly Ryan Equip., 96.90, sup; Lorraine Lammers, 77.04, reimb.; Mitch Robinson, 42.80, reimb.; NDEE, 15311.26, bond; NE DHHS Public Health, 15.00, lic; NE Sales Tax, 3300.41, tax; Omaha Door & Window, 2434.75, ser; One Call Concepts, 80.67, ser; Paul Schuler, 786.00, reimb.; Quill, 91.07, sup; SE Smith, 20.52, sup; Salt Creek Software,

1300.00, ser; Talbot Law, 997.50, ser; The Fort Bar, 120.00, sup; United Healthcare, 6747.74, ins; VISA(Two Rivers), 4039.14, sup; Washington County Sheriff, 5692.30, ser; Washington Co Reg of Deeds, 10.00, ser; Washington County Roads, 1200.00, sup; With members Prieksat, Fitzgerald, Schuler, and Lammers voting "Aye", motion carried.

Member Schuler made a motion seconded by member Prieksat to approve the request from Jason Grof with Fort Atkinson for \$1,800 from Keno funds for guest speakers/tourism once a month for the 2020 season. With members Schuler, Lammers, Prieksat, and Fitzgerald voting "Aye", motion carried.

Judy Boyd with the Enhancement committee acknowledged the winners of the Christmas Lighting Contest. Third place was Kelli Armstrong, Second place was Ruth and Lee Anderson and First place went to Ron and Gloria Penas!

Lucas Billesbach, City Engineer, tabled all three items involving Marsh Creek Concrete, INC and gave an update on the current 2019 projects, which is the splash pad design plans. The Splash Pad committee is meeting and discussing a 30% design and will make their recommendations.

Member Prieksat introduced **Resolution 2019-17 – Redevelopment Plan Agreement (Northern Hills Ventures LLC, Redevelopment Project)** and moved for its passage and adoption, as amended. Motion seconded by member Lammers. On roll call the following voted "Aye": Schuler, Lammers, Prieksat, and Fitzgerald. The passage and adoption of said Resolution having been concurred by all members of the Council, the Mayor declared the Resolution adopted and, in the presence of the Council, signed and approved the Resolution and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true and complete copy of the said Resolution is as follows:

CITY OF FORT CALHOUN, NEBRASKA

RESOLUTION 2019-17

(Redevelopment Agreement – Northern Hills Ventures, LLC Redevelopment Project)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, APPROVING THE FORM OF THE REDEVELOPMENT AGREEMENT AND AUTHORIZING THE COMMUNITY REDEVELOPMENT AUTHORITY TO ENTER INTO SAID AGREEMENT.

RECITALS

A. Pursuant to the Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154, as amended (the "Act"), the City of Fort Calhoun, Nebraska ("City"), has adopted a redevelopment plan ("Redevelopment Plan") for certain portions of the City. A copy of the Redevelopment Plan is on file with the City Clerk for inspection.

B. The Redevelopment Plan, as amended, includes a specific redevelopment project identified as the Northern Hills Ventures, LLC Redevelopment Project that will include the use of Tax Increment Financing (the "Project").

C. On December 16, 2019, the Community Development Agency of the City of Fort Calhoun ("CDA") approved the Redevelopment Agreement for the Project.

D. The City Council has reviewed the Redevelopment Agreement and has found it to be in conformity with the Act and the General Comprehensive Development Plan of the City, and in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fort Calhoun, Nebraska, that the Redevelopment Agreement between the Community Development Agency of the City of Fort Calhoun, Nebraska and Northern Hills Ventures, LLC, which is on file with the City Clerk and available for public inspection, is hereby approved.

BE IT FURTHER RESOLVED, the CDA is hereby authorized to execute and deliver the Redevelopment Agreement, with such changes, modifications, additions, and deletions therein and shall they seem necessary, desirable or appropriate, for and on behalf of the CDA.

BE IT FURTHER RESOLVED, the CDA is hereby authorized to take all actions contemplated and required in the Redevelopment Agreement including, without limitation, the issuance of such TIF Indebtedness as set forth in 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 CDA of the City.

BE IT FURTHER RESOLVED, that all Resolutions or parts thereof in conflict with the provisions of this Resolution or to the extent of such conflicts, are hereby repealed.

Dated this 16th day of December, 2019.

CITY OF FORT CALHOUN, NEBRASKA
Mitch Robinson, Mayor

ATTEST: Alicia Koziol, City Clerk

Member Fitzgerald made a motion to introduce **Ordinance 759** entitled:

AN ORDINANCE AMENDING ARTICLE III – ADMINISTRATION SECTION 1-311: MEETINGS; ORDER OF BUSINESS, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Member Fitzgerald moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Prieksat seconded the motion. With members Fitzgerald, Schuler, Lammers, and Prieksat voting “Aye”, motion carried.

Member Fitzgerald made a motion for final approval of Ordinance 759, and member Lammers seconded. With members Prieksat, Fitzgerald, Schuler, and Lammers voting “Aye”, motion carried.

Meeting adjourned Sine Die at 7:37 pm.

Roll call was taken, present were Schuler, Lammers, Prieksat, and Fitzgerald.

Meeting called back into session at 7:39pm.

Member Schuler made a motion, second by Lammers to elect Bob Prieksat as City Council President. With members Lammers, Fitzgerald, and Schuler voting “Aye”, motion carried. Prieksat abstained.

Council approved the Mayors recommendation for the 2020 appointments:

The commissioner appointments were tabled until next month.

Mayor Robinson made the following recommendations for the 2020 appointments: City Clerk-Alicia Koziol; Treasurer-Katie Knight; City Attorney-Edmond E. Talbot III; City Engineer, Lucas Billesbach, PE, JEO Consulting Group, Inc.; Street Superintendent: Steven Parr, Principal, JEO Consulting Group, Inc.; Member Fitzgerald made a motion, second by Lammers. With members Prieksat, Fitzgerald, Schuler and Lammers voting “Aye”, motion carried.

Planning Commission: Eric Herbert, Donald Welchert (2020-2022); Park Board: Jerry Barabas, Bob Lammers, (2020-2022); Member Prieksat made a motion, second by Schuler. With members Fitzgerald, Schuler, Lammers, and Prieksat voting “Aye”, motion carried.

After the vote, Mayor Robinson stated for the record, the motion was made, seconded and carried for the council to go into closed session, necessary for the protection of the public interest to discuss a possible property acquisition at 7:40 p.m. No action taken, informational only at this time.

Mayor Robinson declared the meeting in open session at 8:00 p.m.

Future agenda items:

**January City Council meeting will be held on January 21st, 2020.*

**February City Council meeting will be held on February 19th, 2020.*

Following a motion by Fitzgerald, second by Lammers and vote, Mayor Robinson declared the meeting adjourned at 8:04 p.m.

Mitch Robinson, Mayor

ATTEST:
Katie Knight, Treasurer