

CITY OF SIDNEY PLANNING COMMISSION MEETING, TUESDAY, FEBRUARY 21, 5:30 P.M.

AGENDA

Call to Order

Pledge of Allegiance

Welcome

Business and Reports:

1. Announcement of Public Meetings Act: The Open Meetings Law poster is posted at the rear of the room, please refer to posted information if you have any questions regarding the open meetings law.
2. Approval of minutes for October 17, 2022
3. **PUBLIC HEARING:** Pursuant to the NE Community Development Law, on redevelopment Plan entitled, "Redevelopment Plan for the Ranch Subdivision Redevelopment Project."; and Consideration of, and potential action on, Resolution 20230201 , "Redevelopment Plan for the Ranch Subdivision Redevelopment Project."

ADJOURNMENT

Open Meetings Act

Effective Date – July 21, 2022

84-1407. Act, how cited.

Sections [84-1407](#) to [84-1414](#) shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section [81-15,175](#) are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section [81-1801.02](#), discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of

holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and

(e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or

(ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state

how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

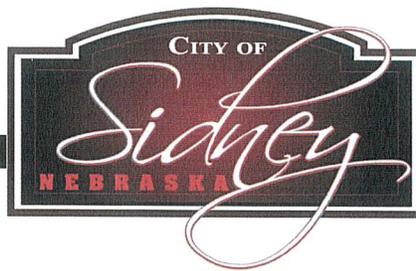
(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides

for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.



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MEMORANDUM

DATE: February 21, 2023,
MEMO TO: Planning Commission
FROM: David Scott, City Manager
RE: Sidney Ranch Subdivision TIF Incentive Plan

SUMMARY: Pursuant to Section 18-2103 of the Nebraska Community Development Law, Sections 18-2101 et seq., of the Nebraska Revised Statutes (the "Act"), tax increment financing (TIF) may be applied towards the costs to carry out the construction of housing. This could be used in areas where infrastructure is already in place for workforce housing such as the Prairie Winds sub-division or Daily Drive. For the Ranch sub-division, we need something a little different. This plan addresses that need.

PREVIOUS ACTION: In 2020/2021 the City Council approved a housing study that was completed and suggested that an additional 208 units would need to be constructed by 2030. The Planning Commission and the City Council also recently conducted a comprehensive blight and substandard study. The City Council then approved moving forward with Michael Sands from Baird Holm to develop these plans. In September of 2022 the City Council approved the Workforce Housing TIF Incentive Plan and accompanying resolution 20220901. This plan will allow TIF to be used in areas where the cost of the housing needs to meet certain criteria to be deemed workforce housing. We are now asking for the Planning Commission and the City Council to approve a plan for the Ranch sub-division.

BACKGROUND/DISCUSSION: Before the relocation of Cabela's, the construction of many residential subdivisions were underway, but later abandoned. For many of these projects, infrastructure (i.e., streets, sidewalks, water, sewer, and electric) were constructed prior to abandonment, resulting in several buildable lots which now sit vacant. The lots are not attractive to builders due to a few reasons, most notably the existence of special assessments levied against many of these lots related to the City's construction of the infrastructure. The City and Agency wish to incentivize development of single-family housing within the Project Site (The Ranch) by authorizing the use of TIF to offset the special assessments levied against the lots related to the construction of infrastructure. Accordingly, the City and Agency anticipate and envision that the Redevelopment Project will consist of a private developer purchasing the Project Site to construct approximately 64 single-family homes over the course of multiple phases/years.

FINANCIAL IMPLICATIONS: None at this point until a developer is secured.

RECOMMENDATION: Approve the plan so that we can start to work on getting a developer and bringing a redevelopment plan to the Council who will act as the redevelopment agency.

ALTERNATIVES: Not approve of the plan and seek other methods to stimulate the housing market.

RESOLUTION NO. 20230201

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIDNEY, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN ENTITLED, "REDEVELOPMENT PLAN FOR THE RANCH SUBDIVISION REDEVELOPMENT PROJECT," TO THE MAYOR AND CITY COUNCIL OF THE CITY OF SIDNEY, NEBRASKA.

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 Ranch Subdivision Redevelopment Project" (the "Plan"), attached hereto and incorporated herein as Exhibit 1, setting forth certain redevelopment activities in the City of Sidney, Nebraska (the "City"), was submitted to the Planning Commission of the City for its review and recommendation; and

WHEREAS, on February 21, 2023, 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 SIDNEY, 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 _____

PASSED AND ADOPTED THIS 21ST DAY OF FEBRUARY, 2023.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT 1
Plan

(See attached)

**REDEVELOPMENT PLAN FOR
THE RANCH SUBDIVISION
REDEVELOPMENT PROJECT**

SIDNEY, NEBRASKA

PREPARED NOVEMBER, 2022

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

A. Introduction

This Redevelopment Plan for the Ranch Subdivision Redevelopment Project (this “**Redevelopment Plan**”) is a guide for redevelopment activities to remove or eliminate blight and substandard conditions within the City of Sidney, Nebraska (“**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, designated certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the “**Act**”). One such area that has been designated by the Mayor and City Council as a blighted and substandard community redevelopment area is the area commonly referred to as “Redevelopment Area C” (referred to herein as the “**Redevelopment Area**”).

This Redevelopment Plan, prepared by the Community Development Agency of the City of Sidney, Nebraska (the “**Agency**”), submits the implementation of a redevelopment project in the blighted and substandard Redevelopment Area to optimize the tax increment financing (“**TIF**”) resources available for reimbursement of eligible costs under the Act, and removal of existing and avoidance of future blighted and substandard conditions. This Redevelopment Plan contemplates the phased construction of approximately 64 single-family homes within a portion of the Redevelopment Area (such improvements being referred to herein as the “**Redevelopment Project**”).

B. Redevelopment Area; Project Site; Existing Conditions

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the Redevelopment Area. Exhibit "A-1", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the “**Project Site**”). The Project Site is located to the northwest of the intersection of Greenwood Road and Road 20 in the City. The Project Site is completely engrossed within the blighted and substandard Redevelopment Area and is in need of redevelopment.

C. Conformance with the Comprehensive Plan

It is essential to the City’s comprehensive plan for development (the “**Comprehensive Plan**”) that dilapidated, inadequate, or deteriorating portions of the City conform to the current and future needs of the City as it continues to grow and expand. Exhibit "B", attached hereto and incorporated herein, shows a portion of the future use map (showing the Redevelopment Area and surrounding areas) included within the City's Comprehensive Plan. The map sets forth a “Residential” designation for future use of the Redevelopment Area. Accordingly, the

Redevelopment Project conforms to the future use of the Project Site designated under the Comprehensive Plan.

Additionally, the Comprehensive Plan sets forth the following objectives:

- Develop neighborhoods that are attractive to high-skilled professional workers;
- Expand the City's position as the epicenter of the southern panhandle's housing market;
- Provide affordable housing opportunities and quality neighborhoods for families;
- Provide high quality neighborhoods for higher income households;
- Conduct targeted economic development to incentivize new growth; and
- Recruit developers to build new housing stock.

The Redevelopment Project contemplates the construction of single-family residences within the Project Site. The City's Comprehensive Plan contemplates a need for housing that is consistent with the Redevelopment Project. Additionally, by authorizing the use of TIF for the Redevelopment Project, the City and Agency are conducting proactive and targeted economic development to incentivize growth. Accordingly, this Redevelopment Plan and the Redevelopment Project described herein comply with the City's Comprehensive Plan.

Additionally, the 2021 Sidney Housing Study identifies a need for "move-up" housing in the City priced between \$200,000 and \$250,000. The study further provides that a total of at least 90 new houses ranging from moderate to high market affordability will be needed by 2030 to support the growth of the City's populous and economy. The Redevelopment Project will aid in accomplishing such objectives and addressing the needs identified in the study.

D. Redevelopment Project Background and Overview

The Project Site was originally platted as an 88 lot subdivision by Cabela's with the intent of constructing high-end housing therein – largely for its employees. The City constructed roads and infrastructure within the Project Site via the formation of an assessment district resulting in special assessments being levied against the lots therein. However, upon the acquisition of Cabela's by Bass Pro and subsequent downsizing of its employee base in the City, the market demand for such housing disappeared. As a result, the subdivision has largely been abandoned and left vacant in the years since Cabela's departure. Bass Pro continues to own the Project Site with no plans to develop the same.

Since Cabela's departure, the City's economy has rebounded, spurring a renewed need for new housing. Despite the same, development of the Project Site remains unattractive due to the special assessments levied against each lot, ranging from approximately \$20,000 to \$35,000 per lot, and totaling \$1,991,683 in the aggregate.

The City and Agency wish to incentivize development of single-family housing within the Project Site via authorizing the use of TIF to offset the special assessments levied against the lots related to the construction of infrastructure. Accordingly, the City and Agency anticipate and envision that the Redevelopment Project will consist of a private developer (generally referred to herein as "**Redeveloper**") purchasing the Project Site to construct approximately 64 single-family homes over the course of multiple phases/years, as described in further detail below. The City and Agency anticipate that the lots comprising the Project Site will be reconfigured and replatted to reduce the total number of lots to provide for larger lot sizes and building envelopes that are more desirable/marketable under current market conditions. The City and Agency envision that the subdivision will be an integrated and walkable neighborhood/community, consisting of a range of middle to high end homes. Notwithstanding the foregoing, the City and/or Agency may, in its discretion, purchase the Project Site and sell the lots to private developers for construction of the single-family homes, in which case the City and/or Agency, as applicable, along with the private developer(s), would act as Redeveloper hereunder. Except as provided above, no public acquisition of the Project Site is anticipated. Additionally, no families will be displaced as a result of the Redevelopment Project.

It is anticipated that some or all of the lots may meet the definition of "Workforce Housing" under the Act and the workforce housing TIF incentive plan adopted by the City (the Incentive Plan"). In accordance therewith, this Redevelopment Plan contemplates and authorizes the use of Workforce Housing TIF for the construction of a portion (or portions) of the single-family residences included as part of the Redevelopment Project, so long as such portion(s) meets the criteria for the same under the Act and the City's Incentive Plan. In the event a Redeveloper wishes to utilize Workforce Housing TIF, the Agency shall enter into a "**Redevelopment Contract**" (as defined in the Act) with the Redeveloper setting forth such criteria and obligations with respect thereto.

The City and Agency anticipate that the construction of the Redevelopment Project in phases will allow the Redeveloper to maximize the TIF resources available, which will be necessary for the Redevelopment Project to succeed. Further, implementation of the Redevelopment Project in phases will allow Redeveloper to construct the private improvements at a rate that the market can support, and to adapt subsequent phases of the project to the changing needs of the City. It is anticipated that each phase will be based upon the rate of construction, such that the "effective date" (as provided under section 18-2147 of the Act) for

purposes of TIF will be determined on a lot by lot basis – i.e., the lots that increase in valuation in a given year due to the construction of a home thereon will constitute a “phase”. New phases would be established on a year-to-year basis in accordance with the foregoing, until all lots have been improved.

Exhibit "C", attached hereto and incorporated herein, sets forth the current site plan for the Redevelopment Project. The City and Agency anticipate that Redeveloper may configure some of the lots shown thereon to create larger individual lots and fewer lots overall. Accordingly, subsequent to the approval of this Redevelopment Plan, Redeveloper may reconfigure and modify the site plan with respect to lot sizes and the number of lots, and any such reconfiguration or modification may be incorporated herein via administrative amendment; and shall not constitute a substantial modification of the Redevelopment Plan so long as the Project Site is developed for single-family housing.

E. Existing Conditions

1. Existing Land Use

The Project Site consists of vacant, undeveloped lots.

2. Existing Zoning

The Project Site is currently zoned as Single-Family Residential.

3. Existing Public Improvements

Public access to the Project Site currently exists. The Project Site contains paving, sewer, water, storm sewer, electrical service, public walks, and related infrastructure.

F. Proposed Redevelopment

1. Public Improvements

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

The Project Site maintains public access and will not require additional public rights-of-way.

b. Construction of Water and Sewer Improvements.

The Project Site maintains access to public water and sewer. Redeveloper will be required to extend and connect such infrastructure to the residences constructed within the Project Site in accordance with the City's code.

c. Other incidental improvements

The Project Site is currently undeveloped and may require some grading to provide effective drainage throughout the area, dependent upon the private residences constructed on a lot-by-lot basis. Extension of electric and gas utilities to the residences within the Project Site will be necessary.

d. Additional public facilities or utilities

Other than as detailed above, the existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

e. Property Acquisition, Demolition and Disposal

Except as provided in Paragraph D, above, no public acquisition of private property or relocation of families or businesses is necessary to accomplish the Redevelopment Project.

f. Population Density

The Project Site currently sits undeveloped and vacant. The Redevelopment Project will increase population density in the area. However, the City desires an increase in population density in the area to provide additional housing in the City, and the Redevelopment Project will comply with the City's applicable density requirements.

g. Land Coverage

Land coverage for the Project Site consists of approximately 28.35 acres of undeveloped land. The Redevelopment Project will consist of the construction of approximately 64 single-family homes, with the footprint substantially similar to the site plan set forth in Exhibit "C"; provided that the City and Agency anticipate the reconfiguration of some of the lots shown thereon to create larger individual lots and fewer lots overall. The Redevelopment Project will comply with all applicable land coverage ratios required by the City.

h. Parking

Each residence is anticipated to include include an attached garage. No parking requirements apply to the Redevelopment Project.

i. Zoning, Building Code and Ordinance

The Project Site is currently zoned as Single-Family Residential. The Redevelopment Project will not require a change of zoning. Notwithstanding, Redeveloper shall be responsible for all zoning, building code, or ordinance changes that are necessary for the Redevelopment Project.

2. Private Improvements

Private improvements for the Redevelopment Project consist of the construction of approximately 64 single-family homes over the course of multiple phases. Redeveloper will be responsible for the construction of the private improvements. Paragraph D of this Redevelopment Plan details the anticipated phasing of the private improvements.

G. Project Costs

The City and Agency anticipate that the cost of acquiring the Project Site will be at least \$1,991,683, which is the outstanding balance of the special assessments levied against the lots. Further, based on a conservative estimated valuation of \$215,000 per improved lot, the City and Agency anticipate construction costs of approximately \$200,000 per residence on each lot, totaling \$12,800,000. Such figures are only estimates, and are subject to change based upon Redeveloper's reconfiguration and modification of the Redevelopment Project. Such changes (and impacts to the project costs caused by the same) are specifically contemplated in this Redevelopment Plan and are authorized hereby and incorporated herein without further amendment of this Redevelopment Plan.

H. Implementation

It is the City's and Agency intent to seek out and engage a private developer (i.e., Redeveloper) to undertake the Redevelopment Project following the adoption of this Redevelopment Plan. Thereafter, the Agency will enter into a Redevelopment Contract with the Redeveloper, which shall provide additional detail regarding the implementation and timing for construction. Notwithstanding the same, market demand and other extraneous factors will ultimately determine the construction timeline.

Upon the completion of each phase (as detailed in Paragraph D, above), Redeveloper will provide written notice to the Agency setting forth and requesting the "effective date" (as defined in the Act) for the pertinent phase. Such notice must be submitted to the Agency on or before June 30 of the year in which taxes are to be divided for such phase.

I. Financing

The City and the Agency contemplate the use of TIF for the Redevelopment 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 a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of bonds pursuant to 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 redevelopment project valuation 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, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as "**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 Redevelopment Project, the actual base tax year and Base Tax Amount for each phase will be determined via the yearly notices from the Redeveloper to the Agency, as detailed in Paragraph D, above. The effective dates will be different for each of the phases, and therefore the increment period for each phase will be different.

Notwithstanding any provision herein to the contrary, all tax revenues resulting from improvements constructed/installed after the commencement of the first portion of each phase shall only be divided and allocated over the applicable 15-year increment period (per phase) or payment of the TIF Indebtedness, whichever occurs first.

1. Necessity of TIF

Despite the need for additional housing in the City and the Project Site's access to existing infrastructure, development of the Project Site is unattractive due to the special assessments levied against the lots therein. Given the high costs of construction as of the date of this Redevelopment Plan, the existence of the assessments make the Redevelopment Project too costly to construct if absorbed by Redeveloper, and/or would result in too high of purchase price if passed through to the homebuyer. For this reason, the Project Site has remained largely vacant over the course of many years, despite the City's need for additional housing.

In accordance with the above, the City and Agency find that the Redevelopment Project is not economically viable without the assistance of TIF and a Redeveloper would not construct the Redevelopment Project without TIF.

2. Sources and Uses of Financing

Based upon the information provided in Exhibit "D", attached hereto and incorporated herein, the Agency and Redeveloper contemplate issuance of a TIF bond or note (the "**TIF Indebtedness**") in an amount not to exceed \$4,600,320, at a rate of interest to be determined by the Agency in its reasonable discretion.

The total estimated cost of the Redevelopment Project is \$14,791,683. The City and Agency anticipate that the balance of the costs exceeding the TIF Indebtedness will be financed by Redeveloper via a mix of equity and/or traditional bank financing. The above figures are only projections and are subject to change.

J. Cost-Benefit Analysis

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

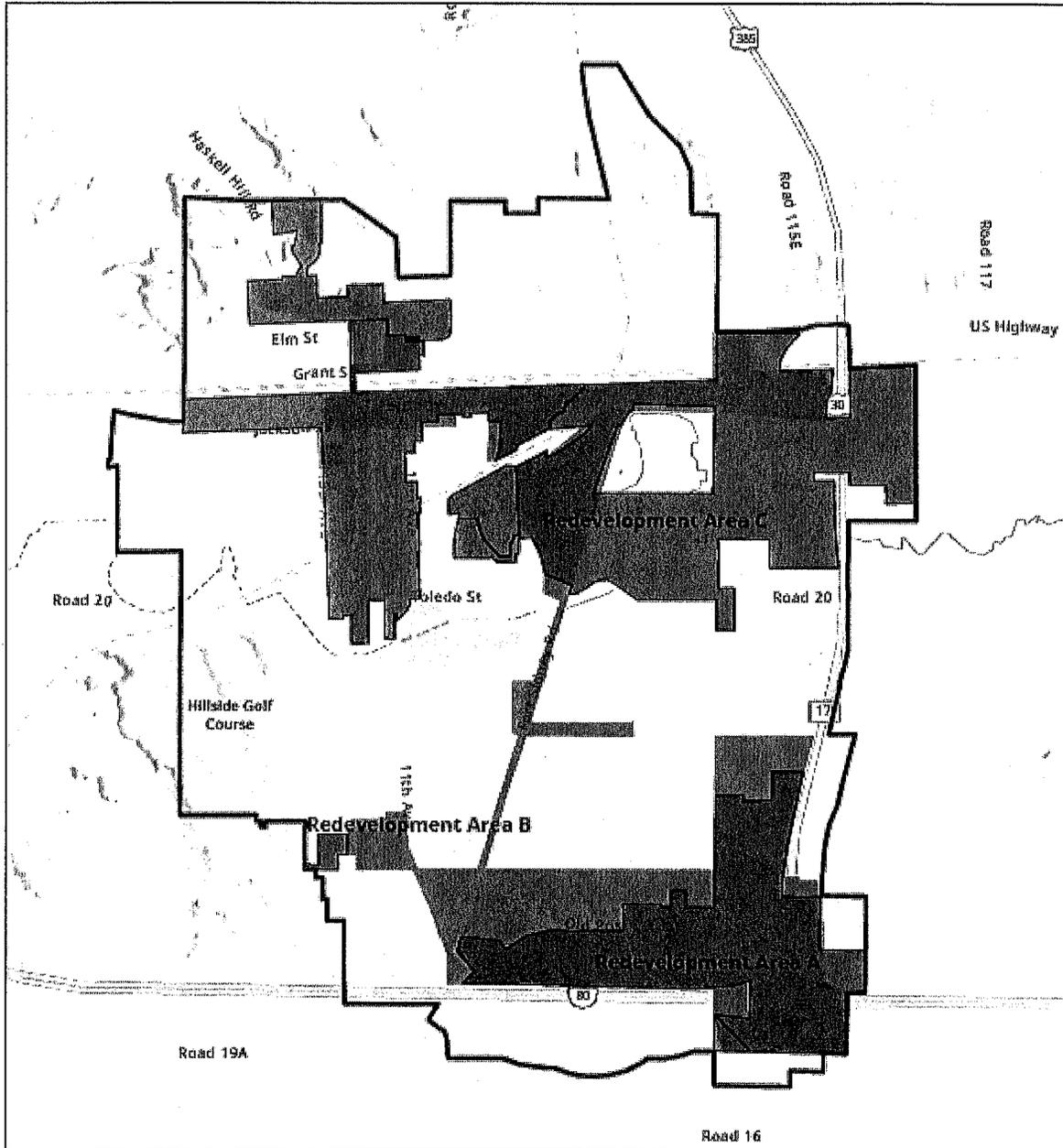
Exhibits:

- Exhibit A: Redevelopment Area
- Exhibit A-1: Project Site and Existing Land Use
- Exhibit B: Future Land Use Map
- Exhibit C: Site Plan and Future Land Use
- Exhibit D: Sources and Uses of TIF
- Exhibit E: Cost-Benefit Analysis

EXHIBIT "A"

Redevelopment Area and Existing Land Use

Redevelopment Area Boundaries:



* The Redevelopment Area is labeled as "Redevelopment Area C" on the above map.

EXHIBIT "A-1"

Project Site and Existing Land Use

Legal Description:

Tracts A through H, The Ranch Subdivision – Phase I, Sidney, Cheyenne County, Nebraska; and

Lots 1 through 8, Block 1, The Ranch Subdivision – Phase I, Sidney, Cheyenne County, Nebraska; and

Lots 1 through 6 and Lots 11 through 54, Block 2, The Ranch Subdivision – Phase I, Sidney, Cheyenne County, Nebraska; and

Lots 1 through 20, Block 3, The Ranch Subdivision – Phase I, Sidney, Cheyenne County, Nebraska; and

Lots 1 through 5, Block 4, The Ranch Subdivision – Phase I, Sidney, Cheyenne County, Nebraska; and

All public rights-of-way adjacent thereto.

* Subsequent to the approval of this Redevelopment Plan, it is anticipated the Project Site may be replatted. Subsequent to said replat, the above legal description shall be replaced with the legal description provided in the replat of the Project Site approved by the City.

Depiction and Current Condition (outlined in black):

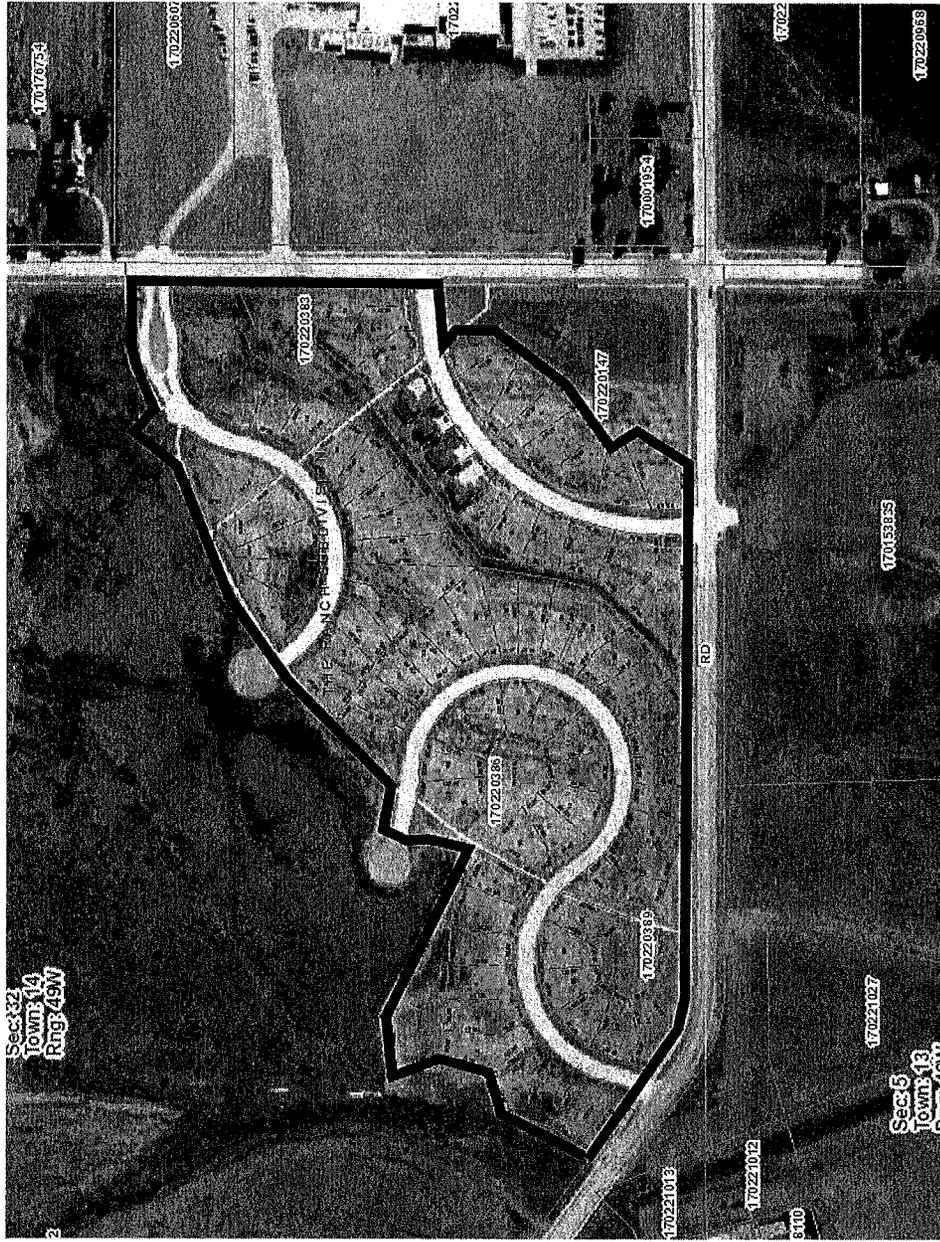


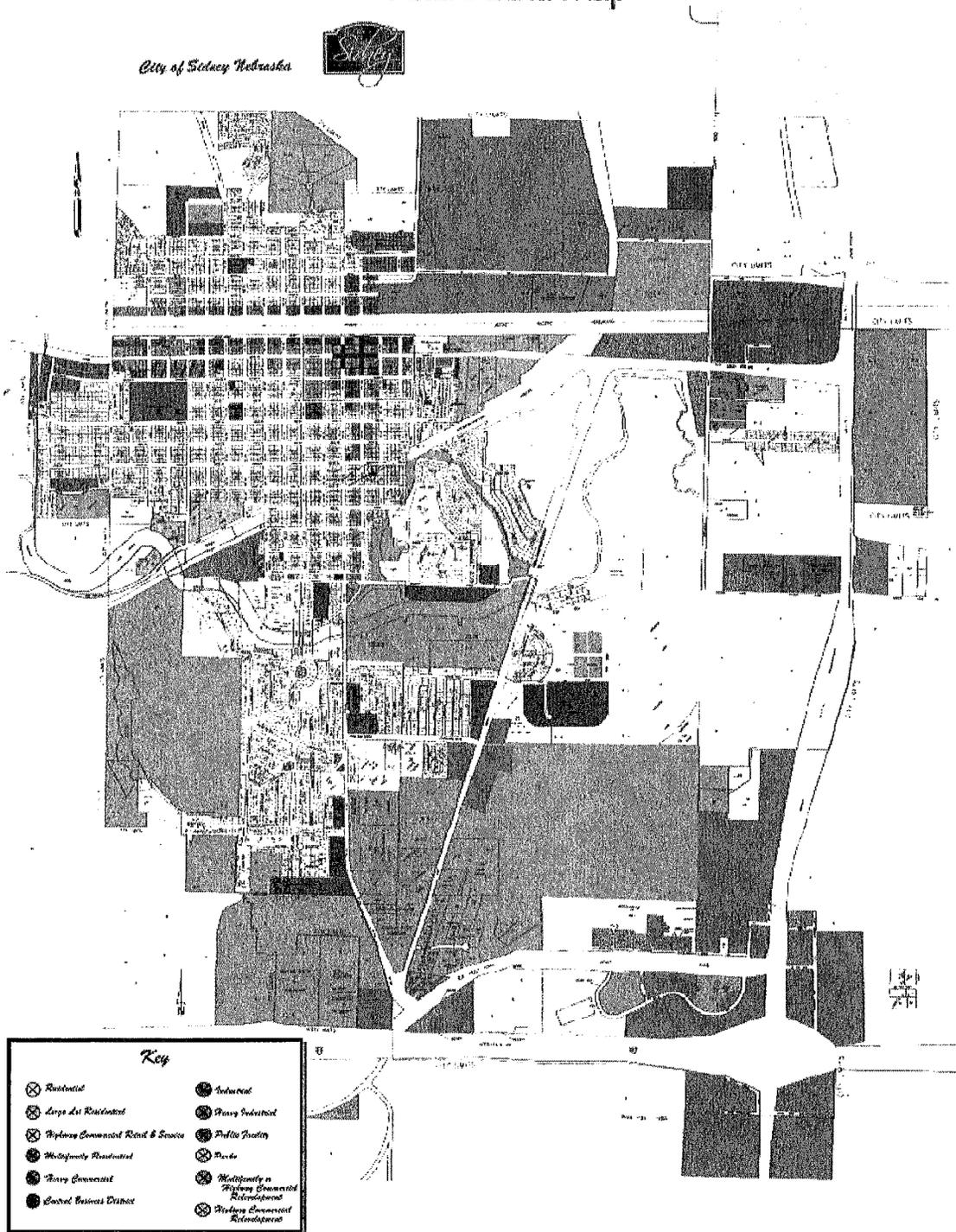
Exhibit "A-1"

EXHIBIT "B"

Future Land Use Map

Future Land Use Map

City of Sidney Nebraska



* Project Site designated as Residential.

Exhibit "B"

EXHIBIT "D"

Sources and Uses of TIF

USES:

Acquisition/Special Assessments: \$1,991,683
Surveying and Engineering: \$100,000
Workforce Housing Improvements: up to \$2,508,637

SOURCES:

Base Value: \$15,339 (per lot)
Number of units: 64
Final Value: \$215,000 (per lot)
Incremental Value: \$199,661 (per lot)
Tax Levy (2022): 2.424327
Yearly TIF Revenues Generated: \$4,792 (per lot)
Total TIF Revenues Generated: \$4,600,320 (all lots)
TIF Indebtedness: NTE \$4,600,320
Interest Rate: TBD

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

EXHIBIT "E"

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

The cost-benefit analysis for the Redevelopment 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 Project Site will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Redevelopment Project will be captured to pay for the project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Redevelopment Project, the true tax shift of the Redevelopment Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the estimated 15 year tax shift for each phase and sub-phase of the Redevelopment Project is set forth in Exhibit "D" of the Redevelopment Plan.

Notes:

- 1. The Projected Tax Increment is 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. The levy rate is assumed to be the 2021 levy rate. There has been no accounting for incremental growth over the 15 year TIF period.*

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

a. Public infrastructure improvements and impacts:

The Redevelopment Project does not require extensive public infrastructure installation. The Project Site maintains access to public roads and infrastructure, and will only require connection therefrom to the private residences constructed on the lots. The Project Site may require some additional filling and grading to provide for effective surface water runoff. The Agency and Redeveloper do not anticipate that the Redevelopment Project will have a negative impact on now-existing City infrastructure.

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

The Redevelopment Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Redevelopment Project, the Redevelopment Project should generate immediate tax growth for the City. The Redevelopment Project and new residences therein will require and pay for City services. Additionally, the City will collect sales tax on a portion of the materials used for the Redevelopment Project. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

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

It is not anticipated that any employers will be located within the Project Site. However, the Redevelopment Project is anticipated to provide needed additional housing for employees of businesses in the area. The construction of approximately 64 additional housing units should generate a new pool of employees for employers of such businesses. TIF will allow these houses to be priced within a range that is accessible to the workforce. Accordingly, the Redevelopment Project is not anticipated to have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

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 redevelopment project:

The Redevelopment Project should have a material positive impact on private sector businesses and citizens outside the boundaries of the Project Site. The Redevelopment Project will provide much needed housing in the community, which will benefit employers, employees, and the City in general. Further, the housing units constructed as part of the project should increase the need for services and products from existing businesses, such as household products and general consumer services. Accordingly, the Redevelopment Project is anticipated to have a positive impact on surrounding employers and employees.

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

The increase of population density within the Project Site will naturally result in an increase in school-aged children within the related school districts. However, there is no indication that the schools within the district are unable to withstand an increase in enrollment proportionate to the size of the Redevelopment Project. The school district will not receive taxes

from the residences built during the time the increased taxes are utilized to pay the TIF indebtedness. The school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to the school district. As such, Redeveloper and the Agency do not anticipate a negative impact on school districts located within the boundaries of the area of the Redevelopment Project.

6. Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The Project Site is blighted and contains substandard conditions that are a detriment to the City as a whole. The Redevelopment Project will revitalize and occupy a vacant space without negatively impacting the surrounding businesses, residents or straining the public infrastructure. There are no other material impacts determined by the Agency relevant to the consideration of the cost or benefits arising from the Redevelopment Project. As such, the costs of the Redevelopment Project are outweighed by its benefits.