

City of Sidney Planning Commission Meeting, Monday, November 20, 2023, 5:30 pm

AGENDA (AMENDED)

Call to Order

Pledge of Allegiance

Welcome

Business and Report

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 August 21, 2023
3. **PUBLIC HEARING:** Redevelopment Plan for the R. Perry Workforce Housing Redevelopment Project; for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of the blighted and substandard "Redevelopment Area C," being located in Sidney, Cheyenne County, Nebraska, as legally described below:

Lots 1 through 11, inclusive, Block 4, Prairie Winds Addition to the City of Sidney – Phase 1, an addition to the City of Sidney, Cheyenne County, Nebraska; and recommendation to Council regarding the same.

4. Resolution 20231101; Approval of Redevelopment Plan
5. Comments by the public and action concerning other business by the commission.

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 maybe 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.

## Planning Commission Meeting

A meeting of the Planning Commission of the City of Sidney, Nebraska, was convened in open and public session at 5:30 p.m., on August 21, 2023 in the City Council Chambers, located at 1115 13<sup>th</sup> Avenue. Present were: Chairman Schmitt and Commissioners Benzel, England, Glenn, Jones, Loghry, Smith, Strommen, Sweetser. Others present: Chief Building Official, Marshall Hall and City Clerk, Lori Borchert. Notice of the meeting was given in advance thereof by publication in The Sidney Sun Telegraph, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Chairman and all members of the Commission, and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Planning Commission of this meeting. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Chairman Schmitt announced that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Schmitt welcomed new Planning Commission Board members, Kendra Strommen and Tony Jones. Strommen and Jones introduced themselves following introductions by current board members.

Schmitt called for a motion to approve the July 17, 2023 minutes. Benzel moved, England seconded, "That the minutes from July 17, 2023 be approved." Roll call vote: Yeas: Benzel, England, Loghry, Smith, Sweetser. Abstain: Glenn, Jones, Schmitt, Strommen Motion passed.

Schmitt asked if there were nominations for Chairman. Glenn nominated Schmitt. Smith seconded, "That Ben Schmitt continue to be chairman of the Planning Commission." Schmitt asked for a nomination for Vice-Chair. Sweetser nominated Doug Loghry. Schmitt seconded, "That Doug Loghry serve as Vice-Chair for the Planning Commission." Clerk Borchert stated that the Chairman of the Planning Commission has served on the board for the Board of Adjustment. Borchert stated that she is unaware of any statutes mandating this, and that it seems to have been the consensus of the Planning Commission in the past. Schmitt was agreeable to this and asked if there needed to be a motion. Borchert replied, yes and asked for a motion. Sweetser moved, Loghry seconded, "That Ben Schmitt serve on the Board of Adjustment." Roll call vote: Yeas: Glenn, Jones, Loghry, Schmitt, Smith, Strommen, Sweetser, Benzel, England. Nays: None Motion Passed.

Schmitt announced "That the Planning Commission would be considering the rezoning and subdivision application by Vincent J. Heeg to rezone and subdivide Tract 1 Schnell Subdivision and part of the Southwest Quarter of Section 28, Township 14 North, Range 49 West of the 6<sup>th</sup> P.M., also known as 534 East Elm Street, from Agricultural to Residential 1A; and recommendation to Council regarding the same." Schmitt called the hearing at 5:41 p.m.

Borchert stated that Kendra Strommen, attorney from Matzke, Mattoon, Martens & Strommen, would be representing the Heeg application. Strommen stated that they were pulling the application for the rezone, keeping it agricultural and requesting only the subdivision. Marshall Hall, Chief Building Official, stated that just subdividing the land itself, per Ordinance 1264, 20 acre minimum, meets ordinance qualifications. Hall stated that since the zoning was dropped off the Heeg application, the process could be done administratively, through Ordinance 1222.03. There were no comments by the public. Public Hearing closed at 5:46 pm. Schmitt made a motion to proceed administratively as required. England seconded, "That the application for subdivision be done administratively as required." Roll call vote: Yeas: Glenn, Jones, Loghry, Schmitt, Smith, Sweetser, Benzel, England. Nays: None Abstain: Strommen Motion Passed. Hall stated that the rezoning application fee will be refunded.

There were no further comments.

Meeting adjourned at 5:48 p.m.

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VICE CHAIR, DOUG LOGHRY

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CITY CLERK, LORI BORCHERT



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**MEMORANDUM**

DATE: November 20, 2023

MEMO TO: Planning & Zoning Commission

FROM: David Scott, City Manager

RE: R. Perry Construction TIF plan and Recommended Action

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**SUMMARY:** The city has been working with R. Perry Construction to act as the developer and construct 11 new single-family homes in the Prairie Winds subdivision. These would be block 4, lots 1-11. The east side of John Borm Drive, wrapping behind Lodge Pole Creek Apartments. A sale agreement has been reached and signed between R. Perry Construction and Fort Sidney Development Group.

**PREVIOUS COUNCIL ACTION:** In August of 2023 the City Council approved an amendment to the Redevelopment Agreement between the City Council acting as the Community Development Agency (CDA) and Fort Sidney Development LLC, to remove the 11 lots from the current Tax Increment Financing (TIF) agreement clearing for this new TIF to be approved by the CDA.

The City Council also approved the recommendation of the Economic Development Citizens Advisory Committee (EDCAC) for \$10,000 per lot as a forgivable loan to develop the previously mentioned lots.

Other previous actions include a housing study completed 2021, a blight study in 2022, and most recently the City Council has waived the hookup fees in developed areas for the next two years.

**BACKGROUND/DISCUSSION:** Fort Sidney Development Group successfully developed the infrastructure for 75 residential lots within the Prairie Winds Subdivision. However, only 19 houses were initially constructed, with one additional unit completed just last year. This leaves a total of 55 developed lots ready to build on, primed for the construction of single-family units. In April of this year, the city received a proposal from R. Perry Construction seeking to leverage Tax Increment Financing to erect 10-15 single-family homes. Following careful consideration, this organization has identified the Prairie Winds Subdivision as their preferred location for this project. Despite the current TIF schedule extending until December 15, 2024, the organization would like to commence construction ahead of that timeline. In August of 2023 the City Council approved an amendment to the Redevelopment Agreement between the City Council acting as the Community Development Agency (CDA) and Fort Sidney Development LLC, to remove the 11 lots from the current Tax Increment Financing (TIF) agreement clearing the way for a new TIF to be approved by the CDA. Fort Sidney Development Group has reached and signed a sale agreement for the 11 lots within the subdivision to that developer.

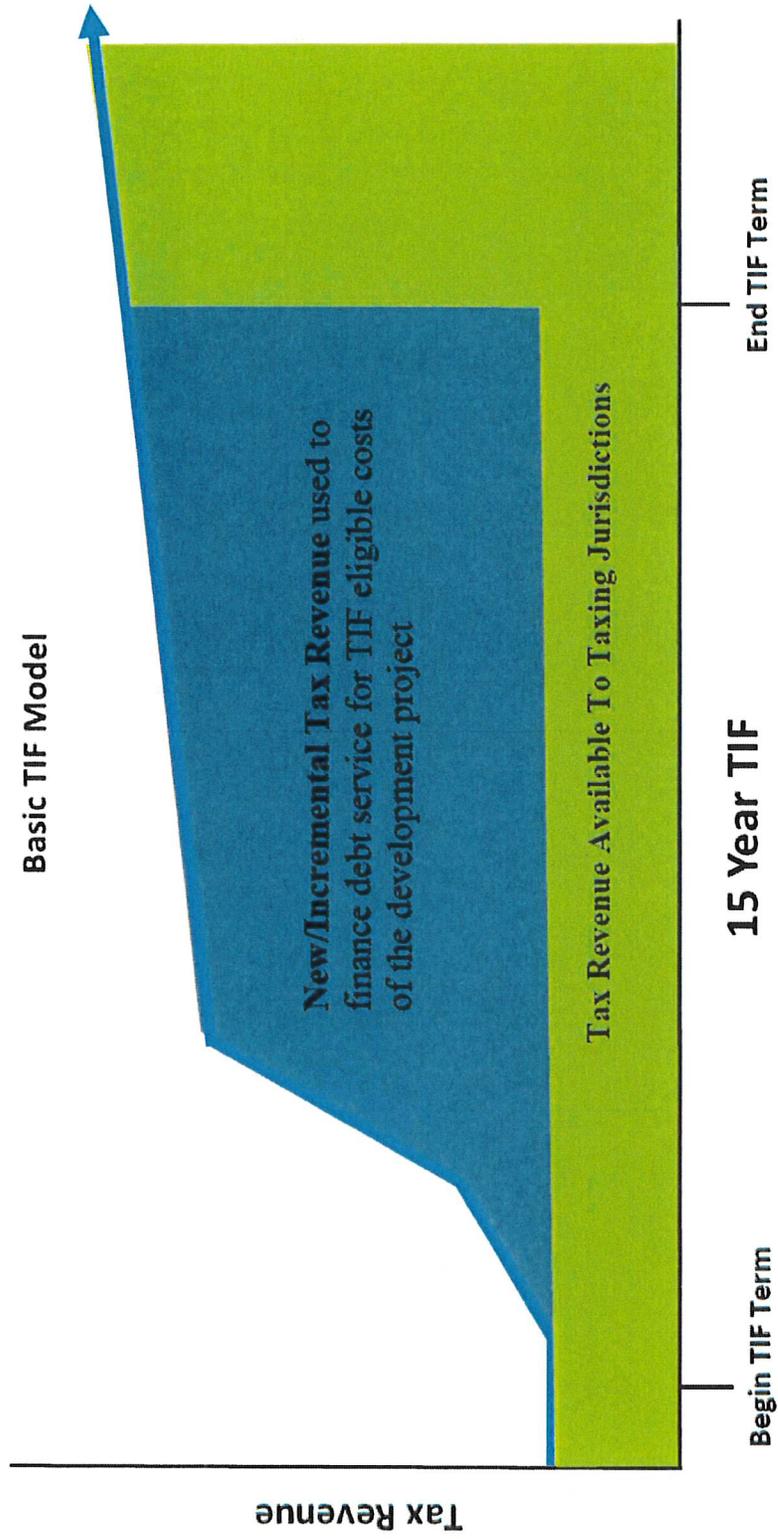
**FINANCE IMPLICATIONS:** Tax Increment Financing operates by utilizing property tax revenue for a specified period to repay debt incurred by the project developer. In this specific scenario, it is important to clarify that the city will not be assuming the role of redeveloper. Consequently, the City will continue to receive the same amount of property tax revenue from the 11 lots in question, consistent with the rates since the division notice was forwarded to the County in 2009, less the ad valorem taxes for the developer held TIF bond.

The only financial obligation the city has committed to this development is the \$10,000 per lot as a forgivable loan to develop through the voter approved LB840 plan and recommended by the Economic Development Citizens Advisory Committee (EDCAC).

**RECOMMENDATION:** Approve the TIF plan so that construction can begin on new workforce housing as soon as early spring.

**ALTERNATIVES:** Not approve of the TIF Plan and find other ways to attract developers.

# What is TIF?



**REDEVELOPMENT PLAN FOR  
THE R. PERRY WORKFORCE HOUSING  
REDEVELOPMENT PROJECT**

**PREPARED OCTOBER, 2023**

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

**A. Introduction**

This Redevelopment Plan for the R. Perry Workforce Housing Redevelopment Project (this "Redevelopment Plan"), prepared on behalf of the Community Development Agency of the City of Sidney, Nebraska (the "Agency"), 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 as 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").

Prior to the preparation of this Redevelopment Plan, and in compliance with the Act, the Mayor and Council designated a portion of the City as a blighted and substandard community redevelopment area; such area being commonly referred to as "Redevelopment Area C" (referred to herein as the "Redevelopment Area"). This Redevelopment Plan sets forth a redevelopment project proposed by R. Perry Construction, Inc., and/or its successors and assigns ("Redeveloper"), located within the Redevelopment Area to optimize the tax increment financing ("TIF") resources available to offset certain costs deemed eligible for reimbursement by TIF under the Act, and to remove existing and avoid future blighted and substandard conditions, all as further described herein. This Redevelopment Plan contemplates the phased construction of approximately 11 single-family residences, together with such other improvements associated therewith, within the Redevelopment Area (such improvements are collectively 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 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 situated on the east side of John Borm Drive, located to the northwest of the intersection of Captain Walter Reed Ave and Fort Sidney Road, 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 the City's future use map included within the City's Comprehensive Plan. The map sets forth a "Residential" designation for future use of the Project Site. Residential allows for single-family homes. Accordingly, the anticipated uses associated with the Redevelopment Project conform to the desired use of the Project Site set forth in the Comprehensive Plan's future use map.

The Comprehensive Plan further sets forth the following observations and 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;
- Conduct targeted economic development to incentivize new growth; and
- Recruit developers to build new housing stock.

The Redevelopment Project will assist in carrying out such objectives. Accordingly, the Redevelopment Project is in conformance with and furthers the objectives under the City's Comprehensive Plan.

#### **D. Redevelopment Project Overview**

The Project Site was originally platted as part of a previous redevelopment project known as "Prairie Winds". The developer of that project constructed roads and infrastructure within the Project Site with the objective of using TIF to offset a portion of those costs. However, due to a number of factors since the inception of the Prairie Winds project (namely, the City's loss of Cabela's and its high earning employees; and the impact of the same on the City's housing market), the market demand disappeared at the price point at which the Prairie Winds developer wanted to build houses. As a result, much of the subdivision remains vacant. The City and Agency wish to incentivize development of single-family housing within the Project Site via authorizing the use of Workforce Housing TIF (defined below) to facilitate the development of houses on the lots at a middle-income (i.e., workforce) price point. And while the developer of Prairie Winds was unwilling to undertake the same, it agreed to remove some of the lots (i.e., the Project Site) from its existing TIF and sell them to Redeveloper to undertake a new (and separate) Workforce Housing TIF project. As such, to the extent the prior actions of the City did not achieve the same, and for the avoidance of doubt, the Project Site shall be removed from the "Prairie Winds Redevelopment Plan – Residential Housing Subdivision", and will henceforth be subject to this Redevelopment Plan; and this Redevelopment Plan shall act as an amendment to

the "Prairie Winds Redevelopment Plan – Residential Housing Subdivision" to memorialize the same.

In accordance with the foregoing, the Redevelopment Project consists of the phased construction of approximately 11 new single-family residences and related improvements. As further detailed in Paragraph J below, the residences will be constructed and sold at a price point that meets the criteria for Workforce Housing TIF, of which there is low supply and high demand within the City.

Redeveloper is under contract for purchase of the Project Site, and intends to close pending approval of this Redevelopment Plan. No public acquisition of the Project Site is anticipated. Additionally, no families or businesses will be displaced as a result of the Redevelopment Project.

The Redevelopment Project will require improvements which are not financially feasible or prudent to undertake at one time. Completing 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; and will allow Redeveloper to construct the residences at a rate that the market can support, and to adapt subsequent phases of the project to the changing needs of the City. Further detail regarding phasing and implementation of the Redevelopment Project is set forth in Paragraph H, below.

Exhibit "C", attached hereto and incorporated herein, sets forth the proposed site plan for the Redevelopment Project. The site plan is preliminary in nature and subject to change.

**E. Existing Conditions**

**1. Existing Land Use**

The Project Site currently consists of vacant residential lots.

**2. Existing Zoning**

The Project Site is currently zoned as R-1 (Single Family).

**3. Existing Public Improvements**

Public access to the Project Site currently exists via John Borm Drive. The Project Site has access (via the adjacent right-of-way) to existing paving, sewer, water, storm sewer, electrical service, public walks, and related infrastructure.

**F. Proposed Redevelopment**

**1. Public Improvements**

Public improvements for the Redevelopment Project will include, but are not limited to:

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

Public access to the Project Site currently exists via John Borm Drive. Redeveloper will construct paved driveways for ingress and egress therefrom. No impacts to public rights-of-way, traffic flow or street layouts is expected.

b. Construction of Water and Sewer Improvements.

Access to water and sewer exists within the right-of-way adjacent to the lots within the Project Site. Redeveloper will extend and connect water and sewer systems to the residences on the lots.

c. Other incidental improvements

The Project Site may require some grading to provide effective drainage throughout the area. Redeveloper also anticipates the extension of electric, gas and telecommunications utilities to the residences on the Project Site.

d. Additional public facilities or utilities

Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

e. Property Acquisition, Demolition and Disposal

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

f. Population Density

The Redevelopment Project will increase population density in the area. Based upon the average persons per household of 2.93 (according to the most recent census data), an increase of

approximately 32 people residing within the Project Site is anticipated. The increase in population density is supported by the City's desire to provide additional housing. The Project Site is properly platted, and adequate public infrastructure improvements exist, to accommodate the increase in population density anticipated as part of the Redevelopment Project.

g. Land Coverage

The Project Site consists of 11 residential lots of undeveloped land. The land coverage footprint for the residences constructed on the Project Site will vary based upon the lot and type of residence; provided that all residences will comply with applicable setback and land coverage requirements under the City's zoning ordinance. In accordance with the foregoing, the Redevelopment Project will comply with all applicable land coverage ratios required by the City.

h. Parking

The residences constructed on the Project Site will each have a driveway and garage. No further onsite parking is required under the City's zoning ordinance.

i. Zoning, Building Code and Ordinance

The Project Site is currently zoned as R-1 (Single Family). Single-family homes are a permitted use under R-1. Accordingly, no zoning change will be required as part of the Redevelopment Project. Notwithstanding, Redeveloper will be responsible for all zoning, building code, or ordinance changes that are necessary for the Redevelopment Project, if any.

**2. Private Improvements**

Private improvements for the Redevelopment Project Area consist of the construction of approximately 11 single-family residences, in addition to the related facilities and improvements ancillary thereto. Redeveloper or other builders taking conveyance from Redeveloper will construct the private improvements. Paragraph H of this Redevelopment Plan details the anticipated construction schedule for the private improvements.

**G. Project Costs**

The total estimated cost of the Redevelopment Project is \$3,183,000. The estimated costs of the Redevelopment Project are attached and incorporated herein as Exhibit "D". Such figures are only estimates based upon 2023 pricing, and are subject to change without further amendment of this Redevelopment Plan.

## **H. Implementation**

Redeveloper is unable to undertake the construction in the first phase of the Redevelopment Project without some assurance that Redeveloper can undertake the additional phases. Redeveloper would not complete the initial improvements for the first phase but-for the approval of the entire Redevelopment Project and, likewise, the subsequent phases of the Redevelopment Project would not occur but-for these initial improvements. Accordingly, this Redevelopment Plan contemplates that all eligible costs and expenses for the Redevelopment Project are eligible TIF uses for each phase of the Redevelopment Project (as allocated). As such, Redeveloper may apply the TIF Revenues (defined below) generated from each phase of the Redevelopment Project toward the payment of the eligible expenses of the entire Redevelopment Project, as necessary.

Redeveloper anticipates that the Redevelopment Project will be completed over the course of multiple years, with each calendar year constituting a phase; provided that market demand and other extraneous factors may necessitate that Redeveloper completes one or more phases over an additional period of time. Redeveloper intends to commence construction of the Redevelopment Project upon approval of this Redevelopment Plan. Redeveloper's rate of construction for the residences and timeline for completion of the same will be dictated entirely by market demand.

In accordance with the foregoing, the construction of the residences and division of TIF Revenues (defined below) will occur on a lot-by-lot basis over the course of multiple years (referred to herein as a "phase"). The timing and nature of each phase will be based upon the rate of construction of the residences on the buildable lots, such that the "Effective Date" (as provided under section 18-2147 of the Act) of each phase for purposes of TIF will be determined annually on a lot-by-lot basis in order to maximize the TIF proceeds available to help finance the eligible costs of the Redevelopment Project. Upon the completion of each phase, as determined by a material increase in the assessed valuation of a lot and/or lots within the Project Site in a given year, Redeveloper shall provide notice of the same to the Agency, and the Agency shall file a notice for the division of TIF Revenues with the county treasurer establishing the Effective Date for the pertinent phase/lot(s). New phases will occur until the buildout of structures on all lots within the Project Site is complete.

The anticipated start dates and completion dates for the phases are preliminary and subject to change based upon market conditions, availability of materials, workforce availability and other extraneous factors. More or less phases spanning more or less time than the anticipated completion dates listed above may be necessary as a result of such extraneous conditions or factors. Additionally, in the event such extraneous factors (i.e., market conditions, demand, etc.) inhibit Redeveloper's ability to construct residences upon all of the lots within the

subdivision, it is the intent of this Redevelopment Plan that Redeveloper shall still receive TIF for the residences that are constructed.

**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 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” (as defined in the Act) 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 derived from 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 Agency 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 Agency 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 of the Redevelopment Project will be established via the notifications from Redeveloper to the Agency referenced in Paragraph H, above, as shall be further detailed in the “redevelopment contract” (as defined in the Act) entered into between Redeveloper and the Agency with respect to the Redevelopment Project. The Agency and Redeveloper anticipate that the Effective Dates will be different for each phase, and therefore the increment period for each phase, will be different.

Notwithstanding any provision herein to the contrary, the TIF Revenues for each phase shall only be divided and allocated over the applicable 15-year increment period or payment of the TIF Indebtedness, whichever occurs first.

## **1. Necessity of TIF**

It is not economically feasible to develop the Redevelopment Project, and Redeveloper would not undertake the same, without TIF. In support thereof, Redeveloper represented and warranted to the City:

“The Redevelopment Project is not economically feasible to develop without TIF. There is demand for workforce housing in the City, but providing a market-rate return on investment to equity investors is not possible without commanding purchase prices that are not feasible or desirable in the market (i.e., would exceed the price point for the workforce housing desired/needed in the City). Therefore, the Redevelopment Project could not go forward without TIF.”

The City concurs with Redeveloper’s representations. There is a demand for workforce housing in the proposed area. The price point for the same, however, does not provide a great enough revenue source for the Redevelopment Project to have a positive return on investment. Without TIF, the price point of the housing units would need to increase significantly to provide acceptable cash-flow, which is not desirable to Redeveloper, and would not satisfy the housing demand for workforce (i.e., middle income) housing in the City. In order to achieve a price point needed/desired for housing within the City, Redeveloper anticipates that it will sell the residences at a discounted value that is roughly equal to Redeveloper’s building costs. Specifically, Redeveloper anticipates that the fair market value of the residences constructed will be approximately \$300,000+, but Redeveloper will sell the homes at or near its own cost to build of between \$275,000 and \$300,000. Redeveloper’s ability to do so depends entirely on the utilization of Workforce Housing TIF to facilitate a profit margin and mitigate cost/risk. Thus, it is the finding of this Redevelopment Plan that the Redevelopment Project, as presented, is not feasible without the use of TIF (and specifically, Workforce Housing TIF), and Redeveloper would not construct the Redevelopment Project without TIF.

## **2. Sources and Uses of Financing**

Based upon the projections provided in Exhibit "E", attached hereto and incorporated herein, the Agency and Redeveloper contemplate issuance of one or more TIF bond(s) or note(s) (the "TIF Indebtedness") in an aggregate principal amount of \$700,000. The TIF Indebtedness shall bear interest at a rate of ~8.35% per annum.

The total estimated cost of the Redevelopment Project is \$3,183,000. Redeveloper anticipates that the balance of the costs exceeding the TIF Indebtedness will be financed by a mix of equity, LB840 funds, a rural workforce housing loan, and traditional bank financing. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

**J. Use of Workforce Housing TIF; Conformance with Incentive Plan**

Pursuant to the Act and the workforce housing incentive plan (the “Incentive Plan”) adopted by the City, this Redevelopment Plan specifically contemplates and authorizes the use of TIF for all single-family residences/improvements constructed on the Project Site that do not exceed the maximums set forth under section 18-2103(32)(c) of the Act, as may be adjusted from time to time. Such figures (i.e., the maximums) shall be determined at the time of sale of each residence/lot, and shall not be fixed as of the date of this Redevelopment Plan – such that any changes to the maximums under 18-2103(32)(c) shall apply to the subsequent sale of any unsold lots/residences which are part of the Redevelopment Project. Accordingly, so long as a lot/residence complies with the then-current maximums (at the time of the sale) set forth under 18-2103(32)(c) of the Act, the improvements associated therewith shall be considered “Workforce Housing” under the Act, and shall be eligible for treatment as such with respect to the City’s administration of TIF, in accordance therewith.

Subject to the foregoing, the City and Agency have determined that the proposed construction of single-family housing on the Project Site meets the definition of “Workforce Housing” under the Act, and meets the qualifications for an award of Workforce Housing TIF under the Incentive Plan, in that it:

- Is housing that meets the needs of today’s working families;
- Is housing that is attractive to new residents considering relocation to a rural community;
- Will address certain housing needs identified in the City’s current housing study;
- Will assist with the prevention of blight and substandard conditions within the City, and will help address the City’s lack of safe and suitable housing within a price range that is attainable for the City’s workforce;

The City has further found and determined that the grant of Workforce Housing TIF authorized and approved hereunder will not result in the unjust enrichment of Redeveloper. In support thereof, and as detailed above, it is anticipated that Redeveloper will sell the residences at a discounted price equal to Redeveloper’s approximate cost to build each residence. As such, Redeveloper’s projected return on investment (per residence) would be ~0.0% without Workforce Housing TIF. The use of Workforce Housing TIF will provide for a commercially reasonable rate of return. And because most of the infrastructure for the Project Site is already in place, ordinary TIF could not achieve a satisfactory return. In consideration of the above, the return on investment for the Redevelopment Project without Workforce Housing TIF is below what would be necessary to attract economically-prudent investment and/or financing, thereby demonstrating that Workforce Housing TIF is needed and will not result in unjust enrichment.

In the event that some, but not all, of the single-family residences constructed by Redeveloper meet the eligibility criteria for Workforce Housing TIF, this Redevelopment Plan authorizes the use of Workforce Housing TIF for only the eligible portion(s). Any ineligible portion(s) or residence(s) shall still qualify for normal TIF. The foregoing shall be set forth in further detail in the redevelopment contract between Redeveloper and the Agency.

**K. Cost-Benefit Analysis**

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

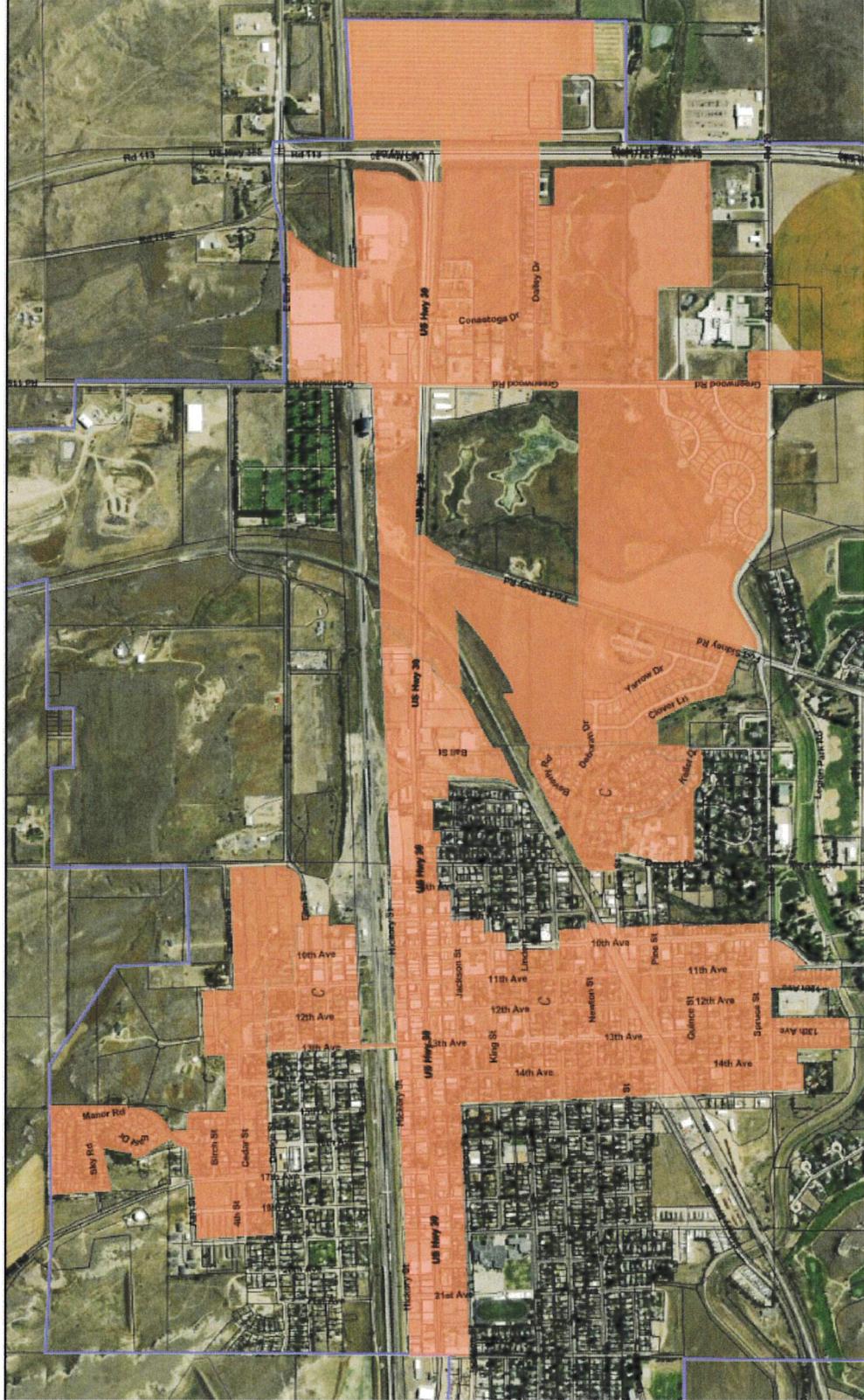
Exhibits:

- Exhibit A: Redevelopment Area and Existing Land Use
- 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: Estimated Construction Cost of the Redevelopment Project
- Exhibit E: Sources and Uses of TIF
- Exhibit F: Cost-Benefit Analysis

**EXHIBIT "A"**

**Redevelopment Area and Existing Land Use**

Boundaries and Existing Condition of Redevelopment Area (outlined in red):



**EXHIBIT "A-1"**

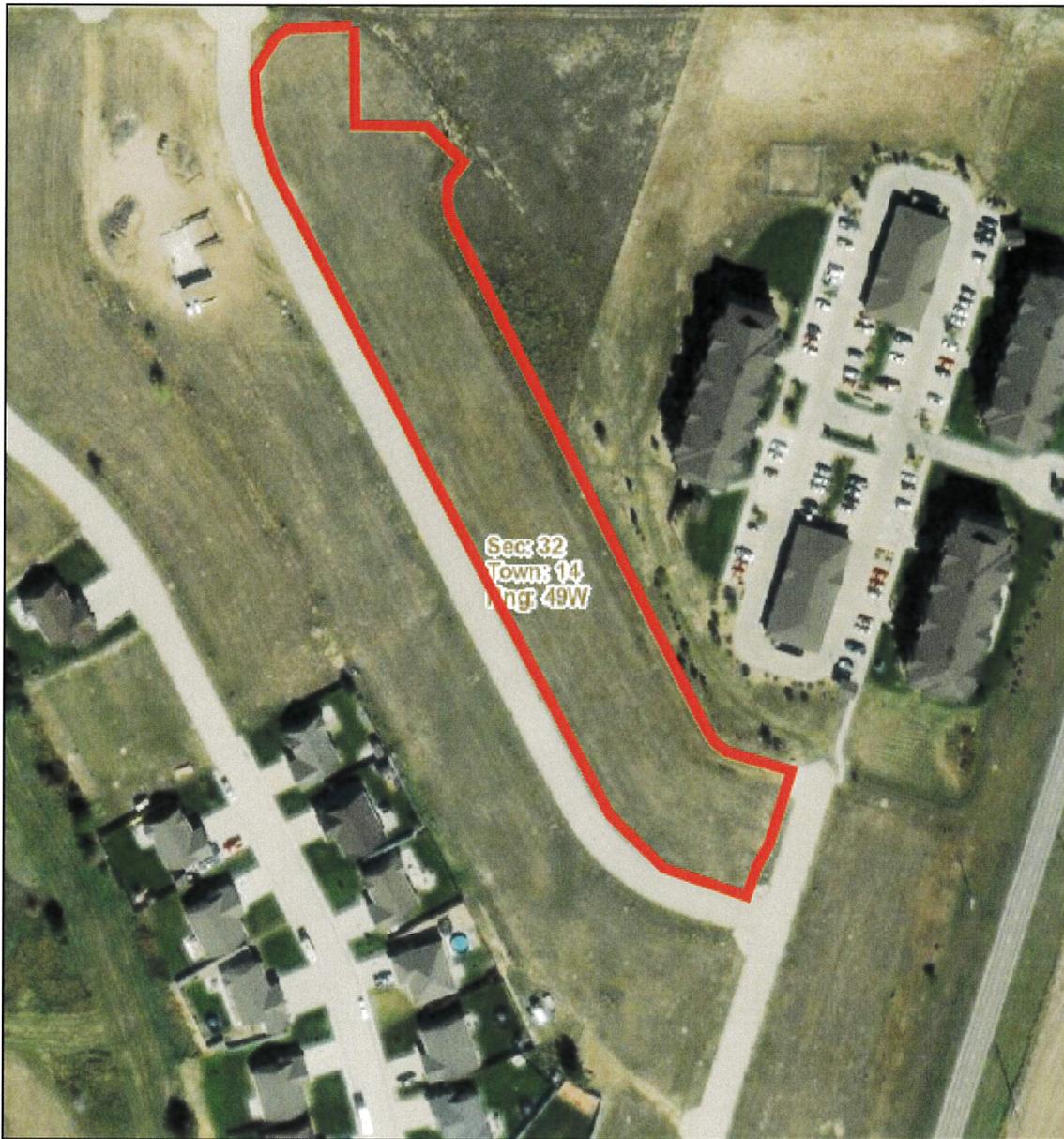
**Project Site and Existing Land Use**

Legal Description:

Lots 1 through 11, inclusive, Block 4, Prairie Winds Addition to the City of Sidney – Phase 1, an addition to the City of Sidney, Cheyenne County, Nebraska.

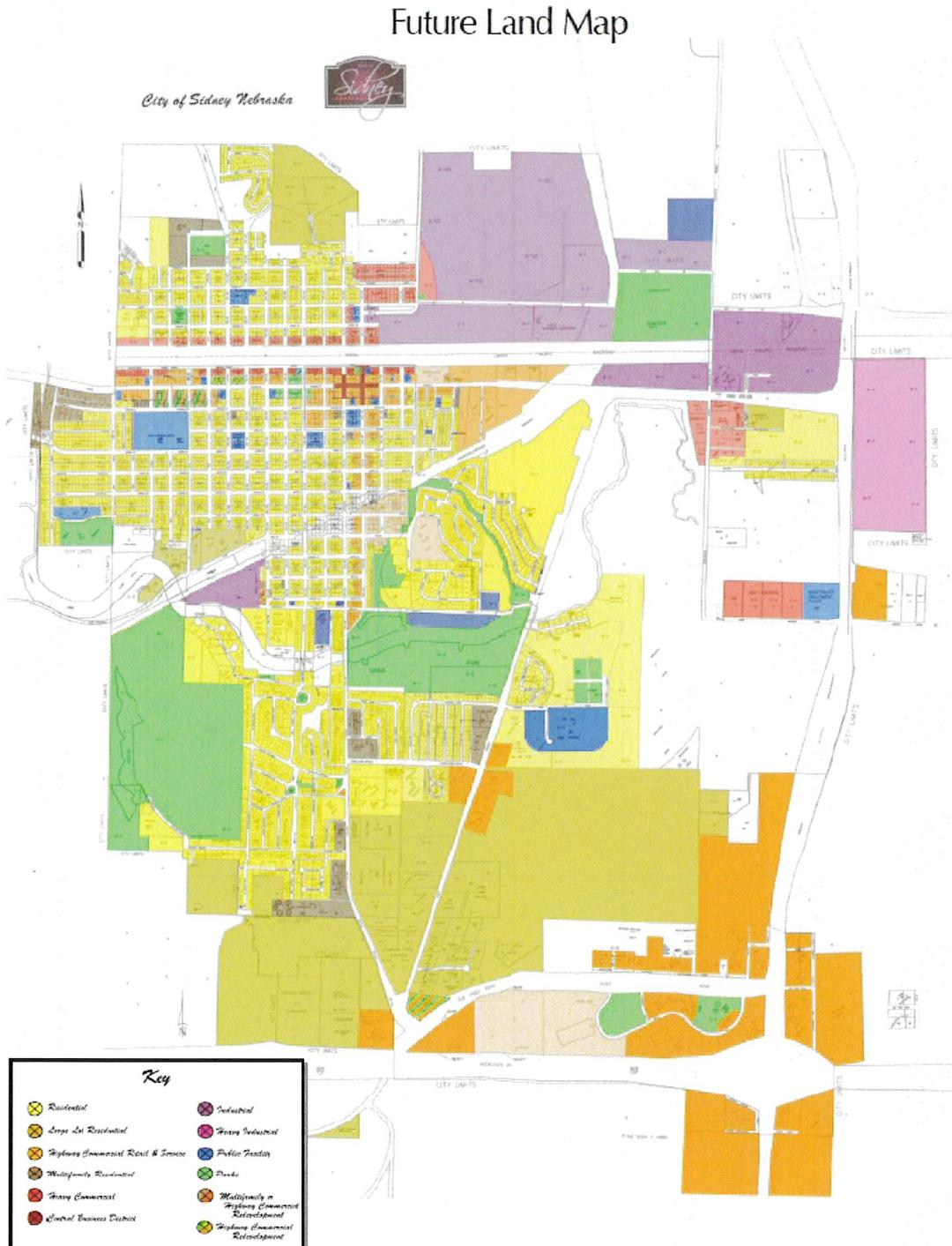
\* In the event Redeveloper subdivides or replats the Project Site, the legal description(s) of such subdivided or replatted parcel(s) comprising the Project Site, upon final approval of the City with respect thereto, shall replace and supersede the above legal description.

Depiction and Current Condition (outlined in red):



# EXHIBIT "B"

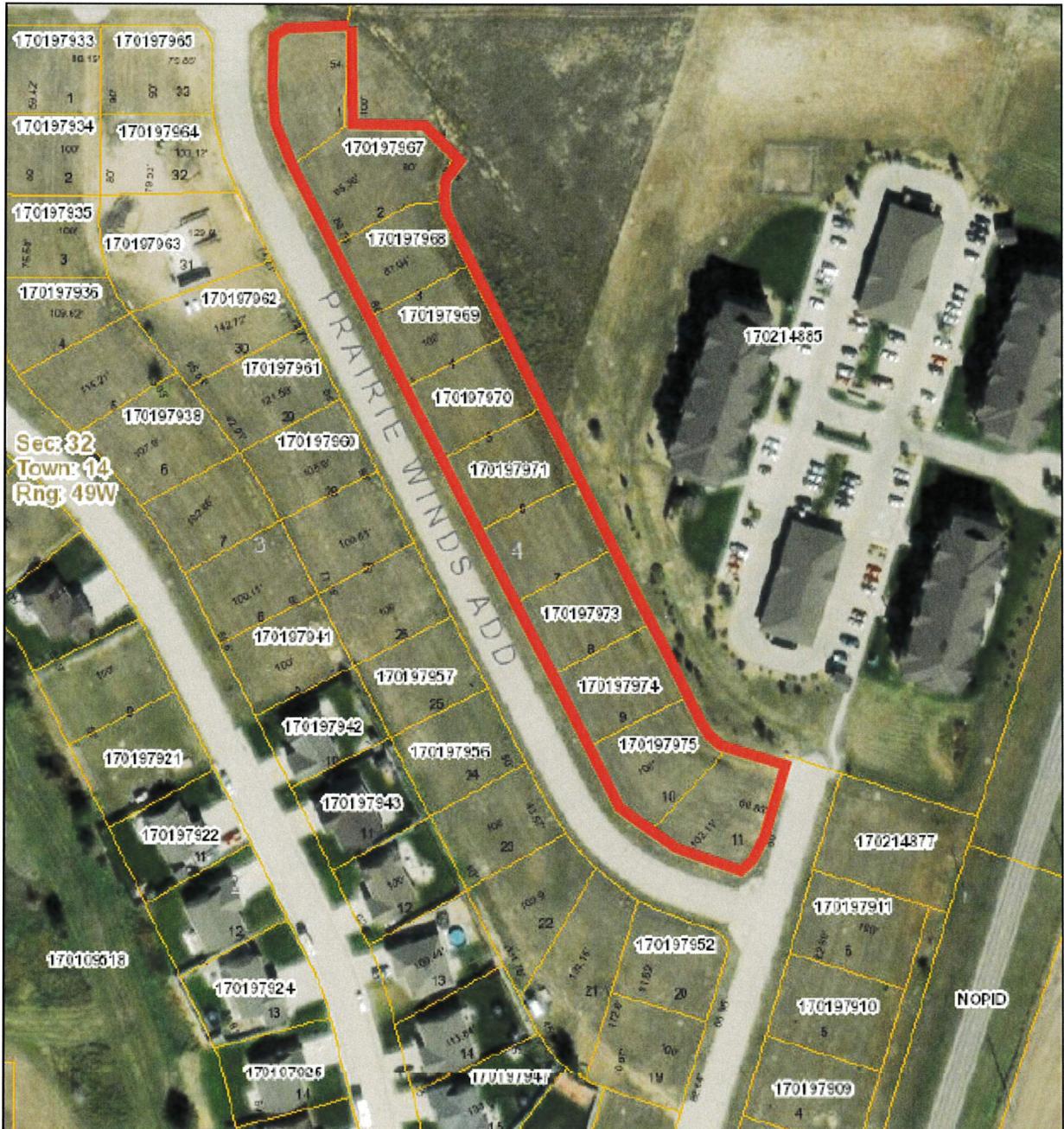
## Future Land Use Map



\* Project Site designated as Residential.

## EXHIBIT "C"

### Site Plan and Future Land Use



\* The above is a preliminary site plan and is subject to change.

\*\* The above shows the anticipated layout for the lots, but does not include building footprints and/or plans for the individual residences. This is because such plans will be determined in cooperation with the (future) buyer of each lot/home, and will vary.

**EXHIBIT "D"**

**Estimate of Construction Costs**

Land Acquisition	\$198,000
Site Work and Building Costs	\$2,970,000
Legal Fees	\$15,000
<hr/>	
<b>TOTAL</b>	<b>\$3,183,000</b>

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

**EXHIBIT "E"**

**Sources and Uses of TIF**

**USES:**

Land Acquisition	\$198,000
Site Work and Building Costs**	\$2,970,000
Legal Fees	\$15,000
<hr/>	
<b>TOTAL</b>	<b>\$3,183,000</b>

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

\*\* Eligibility of hard construction costs of residences subject to meeting the criteria of Workforce Housing TIF, as detailed under Paragraph J of the Redevelopment Plan.

**SOURCES:**

LB840 Funds	\$110,000
RWFH Loan	\$687,000
TIF	\$700,000
<u>Owner's Equity &amp; Private Lending</u>	<u>\$1,686,000</u>
<b>TOTAL</b>	<b>\$3,183,000</b>

**TIF General Assumptions\*:**

Base Value:	\$247,135
Post-Redevelopment Value**:	\$300,000 per lot (\$3,300,000 total)
Tax Levy (2022):	2.424327%
TIF Indebtedness:	\$700,000
Interest Rate:	8.35%

\* The above figures are based on assumed values and levy rates. Actual amounts and rates will vary from those assumptions, and it is understood that the actual TIF sources may vary materially from the projected amounts.

\*\* While the cost to build the homes (and sales price) is estimated to be below \$300,000 per lot, it is anticipated the fair market value (and thus, the tax assessed valuation) will be higher than such amount. As detailed in Paragraph K of the Redevelopment Plan, this is due to Redeveloper selling the homes at cost and deriving its profit from the Workforce Housing TIF, which acts as a reduction to the purchase price from the home's actual fair market value. As such, irrespective of the sales price of the homes, the fair market value – and thus the tax assessed valuation – of the lots is anticipated to be \$300,000, based upon comparable housing stock within the City.

\*\*\* The above figures account for 2% natural increases (year-over-year) to property valuations over the course of the TIF period.



**EXHIBIT "F"**

**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 the Redevelopment Project is set forth in Exhibit "E" of the Redevelopment Plan, and is adopted hereby.

*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 2022 levy rate.*

**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 requires minimal public infrastructure installation. The Project Site will require the construction of paved drives from John Borm Drive, along with the extension of utilities onto the lots to serve the residences within the subdivision. 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 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 created thereby will require and pay for City services. Additionally, the City will recoup sales tax on materials used for construction of the Redevelopment Project. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but rather, will generate revenue providing support for those services.

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

No employers will be located within the Project Site. However, the Redevelopment Project will have a material positive impact on employees locating within the Project Site. The Redevelopment Project will provide needed additional housing for current and new employees of businesses in the surrounding area.

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

The Redevelopment Project is anticipated to have a material positive impact on private sector businesses in the City and vicinity of the Project Site. The Redevelopment Project will require installation of public utilities, and the use of TIF should defray the costs of these and other public improvements that would otherwise be paid through tax revenue or special assessments that would burden adjacent property owners. The Redevelopment Project will provide needed housing in the community, which will benefit employers, employees, and the City in general. The housing constructed as part of the Redevelopment Project should increase the need for services and products from existing businesses, such as household products and general consumer goods/services. Accordingly, the Redevelopment Project should have a positive impact on employers and employees of firms outside of the Project Site.

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

The increase of population density within the Project Site may 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. However, to

the extent the school district receives state aid to education, the valuation that generates the TIF payments is not included in the formula for the same 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 costs or benefits arising from the Redevelopment Project. As such, the costs of the Redevelopment Project are outweighed by its benefits.

6217092.1

**RESOLUTION NO. 20231101**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIDNEY, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN ENTITLED, "REDEVELOPMENT PLAN FOR THE R. PERRY WORKFORCE HOUSING 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 R. Perry Workforce Housing 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 November 20, 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 20TH DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
SECRETARY