

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 27, 2007, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, John Salem, Joni Bennett, and Linda Miller. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Finance Director Barb Mills. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Chris Riha of Viaero Wireless and several other interested parties.

NOTICE: Notice of the meeting was given in advance, thereof by publication in the Lexington Clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the Council, and a copy of their Acknowledgment of Receipt of Notice and the Agenda is attached to these Minutes. Availability of the Agenda was communicated in advance notice and in the notice to the Mayor and Council of this Meeting. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

CALL TO ORDER: The meeting was called to order by Mayor Fagot. Fagot informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 11-13-07 Minutes of the Regular meeting held Tuesday, November 13, 2007, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$502,718.81 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$186,055.18 from the General Fund, \$153,108.64 from TIF, \$8,209.17 from ED Reuse, \$101,417.51 from LEXUS, \$24,384.32 from Sanitation, \$101.95 from Landfill, \$1,261.43 from Ambulance Fund, \$24,330.37 from Health Fund, and \$3,850.24 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 27, 2007

Ackerman, Terry	Tree/Grass Removal	175.00
AFLAC	Premium	895.56
Alltel	Cellphone Service	199.49
American Public Works Assoc.	Membership Dues	220.00
Audio Editions	Books/Supplies	549.17
B & D Office City	Office Supplies	155.49
Barco Municipal Products	WWTP/ST Supplies	523.42
Bob's Auto Repair & Service	WWTP Service	163.06
Burnside, Dennis	Conference/Seminars	210.48
Business Card	Office Supplies	704.95
Business Professional Credit Management	Collection Fees	258.34

Cash-Wa Distributing	Food & Supplies	982.89
Central Fire & Safety, Inc.	Fire Extinguisher Inspection	928.00
Community Redevelopment Authority	Sign/Ford & Ford/CEL-TIF Pmts.	129,006.88
Concrete Workers, Inc.	15th St. Improvements	47,913.31
Contryman Associates, P.C.	Professional Services	1,205.00
D & R Computing	Office Supplies	49.99
Dan's Sanitation	Sanitation Fees	1,210.00
Dawson County Handibus	Transportation	20.00
Dawson Pest Control	GGC Service	27.00
Demco	Library Supplies	104.11
Electric Fixture	GGC Supplies	40.00
Escobedo, Melanie	Conference/Seminars	8.86
Follett Software Co.	Library Supplies	480.00
Gale Group, The	Books	121.23
Garcia, Javiar	Electric Rebate	1,025.00
Gnirk Lawn Care, Inc.	Lawn Care	520.00
Governing Magazine	Subscription	16.00
Gumdrop Books	Books	105.80
Halsen Products Company	ST/WR Supplies	271.48
HD Supply Waterworks	WR Supplies	226.24
Health Claims Fund	Claims	6,041.73
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Ingram Library Services	Books	133.08
Johnson, Mark	Electric Rebate	1,025.00
Kapco	Library Supplies	90.32
Kyle, Carl	Electric Rebate	425.00
Leggott, Deborah	Conference/Seminars	13.00
Lexington Newspapers, Inc.	Publications	142.88
Lexington Volunteer Fire Dept.	Ambulance Refund/Donation	450.00
Payroll	Wages	93,135.17
Social Security	Employer Portion / FICA Med	6,899.51
First National Bank	Employer Portion / Pension	2,888.45
First National Bank	Police Pension	1,498.04
ICMA	City Manager Pension	413.07
Mead Lumber & Rental-Lexington	WWTP/ST/PK Supplies	1,445.02
Mid-Nebraska Printing	Copies/Office Supplies	250.00
Midwest Laboratories, Inc.	Landfill	101.95
Midwest Radar & Equipment	Books	100.00
Money Handling Machines, Inc.	Service Agreement	458.00
Municipal Supply	WR Supplies	679.13
Nebraska Dept. of Economic Development	Mid Plains CDBG Payment	4,166.67
Newman Traffic Signs	ST Supplies	399.18
Paulsen, Inc.	Concrete	528.58
Plum Creek Market Place	Food	85.23
Random House, Inc.	Book	59.50
Rasmussen Mechanical Service Corp.	Library Service/Repair	3,983.75
Roberts Dairy Company	Beverages	169.03
S & W Auto Parts, Inc.	WWTP/Police Supplies	18.34
SF Travel Publications	Books	126.90
Security First Bank	Wilkinson Development-TIF	22,851.76
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,577.50
State of Nebraska Health & Human	Services Utility Refund	353.16
T. O. Haas Tire Co., Inc.	Tires/Repair	425.47
Tep's	Food/Gift Certificates	539.00
Tepley, Buck	Electric Rebate	900.00
Third Party Environmental, Inc.	Asbestos Removal	4,850.00
Thompson Co., The	Food & Supplies	537.50

TierOne-Lib. Petty Cash	Postage/Supplies	53.54
Tnemec Company, Inc.	WWTP Supplies	1,458.90
Underwood, Lisa	Conference/Seminars	11.76
Unique Books, Inc.	Books	1,367.37
U-Save Business Equipment	WR/EL Supplies	705.40
Usborne Books	Books	384.69
Utility Equipment	WR Supplies	492.57
Veterans Club	Gift Certificates	625.00
Wal-Mart	Supplies	619.81
All Points Cooperative	Fuel	74.21
Barco Municipal Products	ST Supplies	558.67
Bliven Construction	Rec. Building Repair	570.00
Business Card	GGC/Rec/PK Computer	2,659.00
Central Community College	Conference/Seminars	576.00
Central Fire & Safety, Inc.	Fire Extinguisher Inspection	311.00
Community Redevelopment Authority	Sign/TIF	1,250.00
Dan's Sanitation	Sanitation Fees	24,384.32
Davis Energy, Inc.	Fuel	23.80
Dawson County Road Department	ST Supplies	70.00
Dutton-Lainson Company	Meters/ST Light Fixtures	1,732.85
Eakes Office Plus	Library Supplies	109.98
Eilers Machine & Welding	WWTP Supplies	39.30
Electric Fixture	Library Supplies	154.81
Gale Group, The	Books	260.88
Gnirk Lawn Care, Inc.	Lawn Care	656.25
Health Claims Fund	Claims	17,222.88
Ingram Library Services	Books	1,163.85
Lexington, City of	Franchise/Service Fees	47,532.11
Lexington Newspapers, Inc.	Publication	8.43
Lexington Public Schools	Conference/Seminars	32.00
Lexington Utilities System	Utilities	26,213.22
Lundeen-Isaacson, Inc.	Insurance/Fire Dept.	14,785.50
Misko Sporting Goods	Rec. Supplies	375.70
Miller & Associates	Retainer Fee	800.00
Nebraska Dept. of Economic Development	Orthman's CDBG Payment	4,042.50
Nebraska Public Health Environmental Lab.	WR Testing	1,110.00
S & W Auto Parts, Inc.	PK Supplies	16.33
TASC	Premium	170.20
T. O. Haas Tire Co., Inc.	Tire	118.06
TierOne-City Petty Cash	Postage/Food/Supplies	18.04
Total Lawn Care	Lawn Care	1,373.00
Utility Equipment	WR Supplies	140.19
Wal-Mart	Supplies	514.02
Zook Welding Shop, Inc.	WWTP Supplies	5.00
	TOTAL CLAIMS:	502,718.81

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a special use permit application by Viaero Wireless for the placement of a communication tower at 1500 N Adams. Chris Riha, Viaero Wireless acquisition manager, presented a power point presentation regarding plans for the area in question. The public hearing was closed. Following discussion, moved by Salem, seconded by Tomasek, to table this agenda item for further engineering information from Viaero. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a redevelopment contract and plan for the CED project. Peplitsch presented a contract and plan in

Redevelopment Area #5 for the CED addition. Following discussion, the public hearing was closed.

RESOLUTION:

Resolution No. 07-36 was read by title. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 07-36 as presented.

RESOLUTION NO. 07-36

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON; APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

WHEREAS, the City of Lexington, Nebraska a municipal corporation has determined it to be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, The City has previously declared an areas of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, The Community Redevelopment Authority of the City of Lexington, Nebraska (the Authority) has prepared a Redevelopment Plan as contained in a Redevelopment Contract (CED Project) pursuant to Section 18-2111 of the Act: and

WHEREAS, the Planning Commission reviewed the Redevelopment Plan pursuant to the Act and, pursuant to Section 18-2114 of the Act, recommended approval of the Redevelopment plan to the City; and

WHEREAS, following consideration of the recommendations of the Planning Commission to the City, the Mayor and City Council held a public hearing, pursuant to notice as required by law; and

WHEREAS, there has been presented for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lexington, Nebraska:

1. The Redevelopment Plan as contained in the Redevelopment Contract in the form attached to this Resolution as Exhibit A is hereby determined to be feasible and in conformity with the general plan for the development of the City of Lexington as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act;

2. The Mayor and City Council specifically find, as follows:

(a) The project described in the redevelopment contract and plan attached thereto, would not be economically feasible without the use of tax-increment financing;

(b) The project would not occur in the Redevelopment Area without the use of tax-increment financing; and

(c) The costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long term best interests of the community impacted by the project.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed and the Authority is hereby directed to execute the Redevelopment contract and implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the redevelopment project specified in the plan shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2008.

a. That portion of the ad valorem tax which is produced by levy 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 all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

5. The Community Redevelopment Authority is directed to execute the Redevelopment Contract with such corrections additions and deletions as may be deemed necessary by such Authority, and the Mayor and City Clerk are directed to execute and deliver to the County Treasurer and Assessor the proper Notice of Allocation of Taxes.

6. The Redevelopment Plan shall be amended from time to time to add additional real estate to the list of property for which ad valorem taxes are divided pursuant to paragraph 4 hereof, and providing for a different effective date, upon application of the Authority, and without requirement of a public hearing. Such amendment shall not be deemed a substantial or major amendment of the Plan.

Passed and approved this 27th day of November, 2007.

CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Joe Peplitsch, City Clerk

**SPRING CREEK
MAINTENANCE AGMT:**

Pepplitsch presented a joint maintenance agreement with Dawson County for the Spring Creek Watershed. Following discussion, moved by Tomasek, seconded by Miller, to approve Mayor to execute documents as needed. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

MEETING DATE:

Pepplitsch requested council consideration of planning session meeting date and time and a rescheduled date and time for the second council meeting in December. Moved by Miller, seconded by Salem, to schedule a planning session for Saturday, December 8, at 8 am, and the second December council meeting for Thursday, December 27, at 7:30 am. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Joe Pepplitsch
City Clerk

I, the undersigned City Clerk for the City of Lexington, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk during regular business hours prior to said meeting; that the Minutes of the Mayor and Council of the City of Lexington, Nebraska, from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk