

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 14, 2009, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub and the Lexington Clipper-Herald. Also in attendance were Diane Adams and Bryan Bennett.

**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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 3-24-09** Minutes of the Regular meeting held Tuesday, March 24, 2009, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING 4-7-09** Minutes of the Special Meeting held Tuesday, April 7, 2009 were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,206,584.10 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$219,638.13 from the General Fund, \$42,240.00 from Economic Development, \$18,640.86 from TIF, \$8,209.17 from ED Reuse, \$8,463.77 from Housing Reuse, \$1,828,206.41 from LEXUS, \$10,693.20 from Sanitation, \$1,685.48 from Ambulance Fund, \$64,082.45 from Health Fund, and \$4,724.63 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
April 14, 2009**

A C Technologies, LLC	Lib. Service/Supplies	519.27
ABC Partnership	OOR Housing	336.01
Alamar Uniform Co.	Uniform Expense	179.20
All Points Cooperative	Fuel/Fertilizer/Soil Tests	2,730.81
Alltel	Service	131.31
Audio Editions	CD's	93.44

Axis Capital	Mail Machine Payment	527.37
B & D Office City	Supplies	36.99
Brown Transfer Co.	Freight	58.03
Business Week	Subscription	100.00
Card Center/Orscheln	PK/ST Supplies	226.24
Case Credit Advantage	WWTP Supplies	10.38
Cash-Wa Distributing	Food & Supplies	1,264.68
Central Garage Fund	Fuel/Repair/Service	12,148.73
Central States Group	WWTP Supplies	247.52
Certified Laboratories	Central Garage Supplies	147.47
CLIA Laboratory	Program License Fee	150.00
Community Redevelopment Authority	TIF/Wilkinson Development	18,640.86
Contryman Associates, P.C.	Audit	32,000.00
Council for Economic Development	Loan for Lexington Business Center	42,240.00
Culligan Water Conditioning Co.	Soft Water Supplies	204.14
D & R Computing	Office Supplies	51.99
Dan's Sanitation	Sanitation Fees	11,020.76
Davis Energy, Inc.	Fuel/Propane	7,690.51
Dawson County Court	Court Fees	14.00
Dawson County Register of Deeds	Filing Fees	42.00
Dawson Pest Control	GGC Service	35.00
Dawson Public Power District	Power Purchase	6,852.35
Delta Dental of Nebraska	Premium	1,538.75
Demars Gordon Olson & Zalewski	Professional Service	2,237.05
Diamond Vogel Paint	ST/REC Supplies	2,917.74
Dugan Business Forms	Office Supplies	937.00
Dunrite, Inc.	WWTP Supplies	173.03
Dutton-Lainson Company	EL Supplies	1,054.11
Eakes Office Plus	Lib. Copies	426.15
Electric Fixture	PK/WWTP Supplies	1,107.19
Eustis Body Shop	Vehicle Repair	2,169.43
Fagot Refrigeration & Electric	Service/Repair	5,222.72
Farwest Corrosion Control Co.	WWTP Supplies	473.90
Fastenal Fire Dept.	Supplies	102.00
Flowers of Joy	Office Supplies	19.26
Follett Software Company	Lib. Supplies	87.45
FYR-TEK	Fire Dpt Supplies/Uniforms/Repair/Service	5,505.22
Gale Group, The	Books	275.98
Government Finance Officers Association	Office Supplies	68.00
Great Plains One-Call Service	Locates	61.43
HD Supply Waterworks	Meter/Supplies	2,219.44
Health Claims Fund	Claims	60,506.05
Heartland Scuba Center	Ambulance Service	1,004.50
Holbein, Dahlas	Lawn Care	95.00
Hometown Leasing	Copier Payments	561.94
Hueftle, Marilyn	Office Supplies	84.45
Husker Ag Sales	WWTP/PK Supplies	91.66
Ingram Library Services	Books	1,085.19
Jones Plumbing & Heating	WR/WWTP Supplies	4,452.85
Keim, Bob	Freon Removal	150.00
Kriz-Davis Company	PK Supplies	240.24
Lexington Animal Clinic	Animal Care	519.60
Lexington Area Solid Waste Agency	Landfill	1,360.80
Lexington Boy Scout Troop #88	Recycling	6.00
Lexington Boy Scout Troop #144	Recycling	6.00
Lexington Girl Scouts	Recycling	12.00
Lexington Glass Co.	Repair	205.00

Lexington Health Fund	Self-funding	34,385.29
Lexington Newspapers, Inc.	Publications	2,454.70
Lexington Postmaster	Postage	150.00
Lexington True Value	Cem/Fire Dept. Supplies	247.88
Lexington, City of	Franchise/Service Fees	47,781.29
Payroll	Wages	104,311.98
Social Security	Employer Portion / FICA Med	7,717.63
First National Bank	Employer Portion / Pension	3,707.31
First National Bank	Police Pension	0.00
ICMA	City Manager Pension	399.23
Linda's Stitches & Creations	Coat	60.40
Linweld	Ambulance Supplies	116.50
Luther, Ann	Conference	101.75
Mast's Fire Extinguisher Sales & Service	SCBA Tanks Tested	620.00
McCookNet Internet Service	Service	229.95
McNett, Julie	Office Supplies	55.04
Mead Lumber & Rental-Lexington	WWTP Supplies	116.46
Meritain Health	Premium	21,440.44
Michael Todd & Co., Inc.	WR/PK Supplies	465.78
Micro-Marketing, LLC	Lib. Supplies	367.60
Mid Con Systems, Inc.	ST Supplies	157.03
Mid-State Units	Rental	135.00
Midstates Construction Products	Supplies-Monroe ST Improvements	5,250.00
Midwest Laboratories, Inc.	Shipping Charges	14.60
Miller & Associates	WWTP-NPDES Permit	625.00
Morris Press	GGC Supplies	76.00
Mr. Automotive	Supplies	83.64
Municipal Supply	Meters/WWTP/Cemetery Supplies	7,232.13
National Fire Protection Association	Membership Dues	150.00
Nebraska Dept. of Economic Development	Orthman's/Mid Plains CDBG Pmt.	8,209.17
Nebraska Forest Service	Advertising	50.00
Nebraska Law Enforcement	Seminar	220.00
Nebraska Machinery	Central Garage Supplies	2,405.79
Nebraska Municipal Power Pool	Dues	2,271.93
Nebraska Public Power District	O&M	67,000.00
Nebraska Public Power District	Power Purchase	720,774.63
Nebraska Public Power District	Walnut Sub T2Transformer	828,650.00
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,340.52
Nebraska Waste Handlers	Sludge Removal	5,256.00
Nebraskaland Tire, Inc.	Tires	608.24
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Northern Tool & Equipment Co.	Fire Dept.Generator	2,933.52
Overton Sand & Gravel	Gravel/Sand	430.61
Oxbow Construction	Secondary Digester Rehab Project	6,053.99
Platte Valley Auto Mart	Service	291.87
Platte Valley Communications	Service/Repair	234.00
Plum Creek Cleaners	Supplies	267.00
Plum Creek Laser Wash	Car Washes	14.00
Plum Creek Market Place	Food	63.98
Quality Inn & Suites	Conference	294.75
Rasmussen Mechanical Service, Inc.	Service/Repair	499.23
Reams Sprinkler Supply Co.	ST Supplies	674.86
RepcO Marketing, Inc.	ST Supplies	21.75
Roberts Dairy Company	Beverages/Food	404.00
S & W Auto Parts, Inc.	WWTP Supplies	1,249.89
Service Master Mid Nebraska	Cleaning Service	444.12

Sign Pro	Supplies	8.00
Source Gas, Inc.	Gas Service	10,362.52
Steve's Lock & Key	Repair	310.76
Subway Sandwiches & Salads	Food	21.12
Superior Signals, Inc.	Central Garage Supplies	29.85
T. O. Haas Tire Co., Inc.	Repair/Tires	479.77
Thompson Co., The	Food	1,758.70
TierOne-Lib. Petty Cash	Postage/Seminar	72.97
Tnemec Company, Inc.	Paint for Aquatic Center	3,377.98
Tri-City Tribune	Publications	300.00
Tri-County Hospital	Wellness	198.00
U-Save Business Equipment	Postage/Supplies	417.16
Vinny's Hometown Auto Care	Tire	201.22
Wal-Mart	Supplies	710.86
Weathercraft Companies	Building Repair	300.00
Wesco Distribution, Inc.	PK/EL Supplies	1,102.88
Westech WWTP	Supplies	876.84
Alltel	Service	52.33
Area Services	WWTP Service	152.50
Conney Safety Products	PK Supplies	161.85
Davis Energy, Inc.	Oil	684.00
Dawson County Treasurer	Land Acquisition Cost	585.66
Dunrite, Inc.	ST Supplies	112.24
Eakes Office Plus	Lib. Supplies	31.99
Gale Group, The	Book	23.37
Health Claims Fund	Claims	2,037.65
Ingram Library Services	Books	52.47
Madeline's Café	Food	16.95
Martin Electric	OOR Housing	8,016.00
Mead Lumber & Rental-Lexington	WWTP Supplies	65.44
Micromarketing, LLC	Lib. Supplies	54.90
Mid Con Systems, Inc.	ST Supplies	157.01
Naumann, Sondra	Cleaning Service	168.00
Nebraska Public Health Environmental Lab.	WR Testing	552.00
Nebraska Department of Revenue	Sales & Use Tax	43,550.75
Nebraska Library Commission	Seminar	15.00
Prado, Ramon	EL Rebates	850.00
Roemmich, Dave	EL Rebate	125.00
Spirituality & Health	Subscription	19.95
TierOne-Library Petty Cash	Postage/Food	26.10
Vandelay Investments, LLC	Land Acquisition Cost	2,670.75
Wal-Mart	Supplies	80.89
	<b>TOTAL CLAIMS:</b>	<b>2,206,584.10</b>

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider a proposed redevelopment contract for the Legend Oaks housing project in Redevelopment Area #2. Peplitsch outlined the contract. The public hearing was closed. Following discussion, Resolution No. 09-10 was read. Moved by Salem, seconded by Miller, to approve Resolution No. 09-10 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
CITY OF LEXINGTON, NEBRASKA APPROVING A  
REDEVELOPMENT PLAN, INCLUDING A  
REDEVELOPMENT CONTRACT; AND RELATED MATTERS

WHEREAS, the City of Lexington, Nebraska, a municipal corporation and city of the second class (the "City"), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

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

WHEREAS, the City has previously declared the area legally described in Attachment 1 attached hereto (the "Redevelopment Project Area") to be blighted and substandard 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 or caused to be prepared a Redevelopment Plan, including a Redevelopment Contract (collectively, the "Redevelopment Plan"), in the form attached hereto as Attachment 2, for the redevelopment of the Redevelopment Project Area; and

WHEREAS, the Authority and the Planning Commission of the City (the "Planning Commission") have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public

requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Authority, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the redevelopment contract included within the Redevelopment Plan in accordance with Section 18-2119 of the Act, and the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Plan.

Section 2. The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in his sole and absolute discretion. The Mayor and Clerk are hereby authorized to execute the redevelopment contract contained within the Redevelopment Plan for and on behalf of the Authority.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2011:

(a) That proportion 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 (as defined in the Act) 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 proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged 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 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 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 the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED this 14th day of April, 2009.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy Clerk

**FINAL PLAT:**

Peplitsch gave a review of the final plat of the Replat of Block 3, Parkview Addition. Following discussion, Resolution No. 09-11 was read. Moved by Miller, seconded by Tomasek, to approve Resolution No. 09-11. roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 09-11

REPLAT OF BLOCK 3, PARKVIEW ADDITION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The REPLAT OF BLOCK 3, PARKVIEW ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, accepted, and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED April 14, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**AGREEMENT:**

Peplitsch presented a proposed City/School joint use agreement for the Opportunity Center. Following discussion, moved by Miller, seconded by Bennett, to approve the agreement and to authorize the Mayor to sign. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**DEVELOPMENT PLAN:**

Peplitsch presented the final draft of the 2009 City of Lexington Development Action Plan. Following discussion and highlights, moved by Bennett, seconded by Tomasek, to approve the plan as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**ELECTRIC RATES:**

Resolution No. 09-12 was read. Peplitsch explained this would amend summer electric rates, for residential and commercial benefit. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 09-12. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 09-12**

WHEREAS, Lexington City Code Section 8-19, authorizes the City Council to establish by Resolution a schedule of rates and charges for electric service

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following electric rates for the following use classifications are established and shall take effect May 1, 2009, to be reflected on billings following such date. That all other electric rates previously established shall remain unchanged.

Residential – Basic:	Summer	May 1-Sep 30
Base Charge per Month		\$15.00
First 500 kWh @ \$/kWh		\$0.1099
Over 500 kWh @ \$/kWh		\$0.0669
Minimum Bill		\$15.00

Residential – All Electric:	Summer	May 1-Sep 30
Base Charge per Month		\$12.00
First 500 kWh @ \$/kWh		\$0.1083
Over 500 kWh @ \$/kWh		\$0.0649
Minimum Bill		\$12.00

Commercial – Small:	Summer	May 1-Sep 30
Base Charge per Month		\$15.00
First 1,000 kWh @ \$/kWh		\$0.1272
Over 1,000 kWh @ \$/kWh		\$0.0723
Minimum Bill		\$15.00

Commercial – Heat:	Summer	May 1-Sep 30
Base Charge per Month		\$15.00
First 1,000 kWh @ \$/kWh		\$0.1272
Next 4,000 kWh @ \$/kWh		\$0.1068
Over 5,000 kWh @ \$/kWh		\$0.0649
Minimum Bill		\$15.00

PASSED AND APPROVED this 14th day of April, 2009.  
CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

**RETAIL DEVELOPMENT:** Peplitsch reviewed a proposal from Buxton for retail development marketing assistance. Moved by Salem, seconded by Bennett, to authorize the City Manager to executive documents to enter into a contract with Buxton as presented, pending clarification on the terms of the maintenance fees. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch reported that a grant application has been submitted for two additional police officer positions. Burnside noted that many activities are planned for Arbor Day, April 24, 2009.

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

John Fagot  
Mayor

Pamela Berke  
Deputy City Clerk

I, the undersigned Deputy 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.

---

Deputy City Clerk