

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 8, 2013, at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Salem, Linda Miller, Dora Vivas, and Jeremy Roberts. Councilmember John Fagot was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald and Kearney Hub. Jen Wolf and Deb Jensen, DAD, were also present.

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 Vice President Salem. Salem informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 9-24-2013 Minutes of the Regular meeting held Tuesday, September 24, 2013, were presented for Council approval. Moved by Roberts, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Miller, Roberts, Salem. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,006,095.46 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$306,146.98 from the General Fund, \$41,705.18 from Street Fund, \$52,199.46 from TIF Fund, \$1,576,480.12 from LEXUS, \$10,000.00 from Sanitation, \$7,121.83 from Ambulance, \$7,359.00 from Health Fund, and \$5,082.89 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 8, 2013

AFLAC	Premium	1,310.12
Alamar Uniforms	Police Uniform Expense	210.46
Area Services	Pumping Service	365.00
Bauer, Barry	EL Rebate	900.00
Cash-Wa Distributing	Food & Supplies	984.63
Central Garage Fund	Fuel / Service / Repairs	14,173.54
Central Tire & Tread, Inc.	Tire Repair	22.00
Dan's Sanitation	Sanitation Fees	11,493.16
Davis Energy, Inc.	Fuel	6,199.26
Dawson Area Development	BECA Grant	1,698.00
Dawson County Clerk	Dispatch Fee	26,250.00
Dawson County Sheriff	Firearms Training Range Fee	300.00
Dawson Pest Control	GGC Service	36.75

Diamond Vogel Paint	PK / ST Supplies	656.71
Dutton-Lainson Company	Light Pole	1,479.00
Fagot Refrigeration & Electric Inc.	ST / DCOC / GGC Service / Repair	463.60
Fairbanks International	Fire Dept / WWTP Service / Repair	628.95
Fastenal	WR Supplies	442.03
FYR-Tek, Inc.	Fire Dept Supplies	460.87
Gale Group, The	Library Books	205.72
HD Supply Waterworks	WR Meters Wires / Radios for AMI PJ	1,773.36
Health Claims Fund	Claims	4,864.88
Holbein, Dahlas	Lawn Care	440.00
Ingram Library Services	Library Books	285.99
JEO Consulting Group, Inc.	Lex Zoning Update	3,510.00
Jim Phillips Const.	SW Repair	2,910.00
Jones Plumbing & Heating, Inc.	GGC / Muni Bldg Repairs	1,028.70
Lexington Animal Clinic	Animal care	990.10
Lex Area Solid Waste Agency	Landfill	32.32
Lexington Health Fund	Self-Funding	45,050.35
Lexington Newspapers, Inc.	Publication	39.47
Lexington Postmaster	GGC Postage	165.00
Lexington, City of	Franchise Fees	13.75
Lexington City Payroll Account		
Payroll	Wages	119,186.32
Social Security	Employer Portion / FICA Med	8,828.26
Union Bank & Trust	Employer Portion / Pension	4,022.24
Union Bank & Trust	Police Pension	2,024.13
ICMA	City Manager Pension	836.93
Matheson Tri-Gas Inc.	Ambulance Supplies	74.20
Mead Lumber & Rental-Lex	Dev Serv / LFAC / PK Supplies	938.41
Meritain Health	Health Premium	19,452.50
Miller & Associates	NW Sr Housing / Museum Improvements	12,504.86
Morris Press	GGC Supplies	194.00
Municipal Supply, Inc.	PK Supplies	709.70
Nebraska Public Power District	O & M	107,408.65
Nebraska Public Power District	Capital Projects	80,310.21
NebraskaLink	City / Library Service	395.00
One-Call Concepts	Locates	87.80
Paulsen, Inc.	Concrete	643.50
Physio-Control, Inc.	Ambulance Supplies	489.00
Plum Creek Medical Group	Flu Shots	1,591.00
Plum Creek Promotions	Police Uniform Expense	160.45
Primary Electric, Inc.	WWTP Service	426.86
Principal	Dental Premium	2,259.58
Randy's Body Shop	Towing Expense	400.00
Richardson Mowing	Lawn Care	180.00
Roberts Dairy Company	Beverages & Food	168.93
S & W Auto Parts	Central Garage Supplies	318.93
Service Master Mid Nebraska	Cleaning Service	4,259.12
Source Gas, LLC	Gas Service	4,995.38
Standard Life Insurance Co	Premium	677.63
Steve's Lock & Key	GGC Repair	61.50
T. O. Haas Tire Company	Tire Repair	249.56
Thalman, Julie	Cleaning Service	160.00
Thompson Co., The	Food	764.02
Total Lawn Care	LFAC Lawn Care	1,125.00
Tyler Technologies, Inc.	Maintenance Fees	330.33
Village Uniform	GGC Supplies	81.63
Vision Internet Providers, Inc.	Mo Web Hosting Fee	220.50

Vision Service Plan	Premium	559.37
Wal-Mart	Supplies	296.20
All Points Cooperative	Fuel / Weed Killer / Hose	1,383.32
All You	Library Subscription	20.04
Anderson Graphics	Library Service	67.50
Associated Supply Company, Inc.	LFAC Supplies	416.83
Barco Municipal Products, Inc.	ST Supplies	965.87
Cash-Wa Distributing	Food & Supplies	1,866.97
Culligan Water Conditioning Co.	Softwater Supplies	473.05
Dawson Area Development	Annual Dues	32,000.00
Dawson Pest Control	DCOC Service	54.60
Depository Trust Company	08 Combined UTL Bond/10 GO Bond Pymt	300,137.50
Dutton-Lainson Company	EL Meter Supplies	914.86
Eakes Office Plus	Police / Library Supplies	176.72
Eilers Machine & Welding, Inc.	WWTP Supplies	389.92
EMS Billing Service, Inc.	Ambulance Billing Service	1,624.24
Fastenal	ST / WWTP Supplies	8.19
Good Housekeeping	Library Subscription	24.97
Great Western Bank-City Petty Cash	Meals / Mileage / Flash Drive	101.94
Homestead Bank	NW Improvements Payment	52,199.46
Ibarra, Leticia	Restitution Pay Out	154.40
J & L Signs	GGC Subscription	100.00
Jones Plumbing & Heating, Inc.	WWTP / WR Supplies	580.13
Lex Area Solid Waste Agency	Landfill	882.64
Lexington Newspapers	Publications	93.99
Lexington Regional Health Center	Wellness / Ambulance Supplies	364.00
Lexington Volunteer Fire Dept	Ambulance Fees	3,980.92
Linda's Stitches & Creations	WR / ST Uniform Expense	533.85
MicroMarketing	Library Books	82.00
Midlands Contracting, Inc.	Culvert Ends-SE Business Park PJ	12,880.00
Midwest Laboratories, Inc.	WWTP Testing Supplies	1,567.10
Midwest Living Magazine	Library Subscription	19.97
Miller & Associates	Professional Service	1,500.95
Nebraska Dept. of Revenue	Sales & Use Tax	59,630.47
Nebraska Public Power District	Power Purchase	985,249.26
Nutrition Action Healthletter	Library Subscription	20.00
Overton Sand & Gravel Co.	Fill Sand/Ice Control Gravel/White Rock	3,136.55
Plum Creek Cleaners	Rug Service	238.50
Pollution Control Systems, Inc.	Lift Station Pump	7,230.00
Primary Electric, Inc.	WWTP Supplies	295.48
Roberts Dairy Company	Beverages	346.77
Sultan, Sultan O	UTL Refund	28.86
Thompson Company, The	Food	504.17
U-Save Business Equipment	Muni Bldg / Admin / Rec Supplies	436.79
Utility Service Co., Inc.	WR Tower Maintenance	26,211.04
Village Uniform	GGC Supplies	72.80
Vision Internet Providers, Inc.	Web Site Buttons	255.90
Wal-Mart	Supplies	97.52
	TOTAL CLAIMS:	2,006,095.46

TRUCK ROUTES:

Ordinance No. 2334 entitled "AN ORDINANCE TO AMEND SECTION 26 OF THE LEXINGTON CITY CODE; TO CREATE DESIGNATED TRUCK ROUTES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT" was presented on second reading. Following discussion regarding

implementation, moved by Miller, seconded by Vivas, to approve Ordinance No. 2334 on second reading. Roll call. Voting “aye” were Roberts, Vivas, Miller, Salem. Motion carried.

REDEVELOPMENT PLAN:

Salem opened a public hearing to consider a redevelopment plan for the Lexington Development Group LLC Project. Following review and discussion, the public hearing was closed. Resolution No. 2013-31 was presented. Moved by Miller, seconded by Roberts to approve Resolution No. 2013-31. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem. Motion carried.

RESOLUTION NO. 2013-31

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 first 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 Development Agency of Lexington, Nebraska (the “Agency”) 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 Agency 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 Agency, 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 Agency and the Planning Commission with respect to the Redevelopment Plan.

Section 2. The Agency is hereby authorized to execute the Redevelopment Plan in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Agency.

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 set forth in the resolution of the agency issuing the providing for the issuance of the tax increment revenue bond or indebtedness, as described in the plan. Said tax shall be divided as follows:

(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 Agency 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 Agency 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 Agency 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.

PASSED AND APPROVED this 8th day of October, 2013.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, Mayor
Attest: Pamela Baruth, City Clerk

CIS STUDY:

Deb Jensen, DAD, reviewed proposals received for consulting services for the CIS Study, CDBG No. 13-CIS-002. She noted that proposals from two consultant firms were received and independently reviewed by city staff; based upon the scoring, she recommended awarding a contract to JEO Consulting Group. Following discussion, moved by Miller, seconded by Roberts, to award a consulting services contract to JEO Consulting Group for the CIS Study project and to authorize appropriate execution. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem. Motion carried.

DAD ANNUAL REPORT:

Jen Wolf presented a 2012-2013 annual report for Dawson Area Development operations. Following discussion, no action was taken.

SUBDIVISION:

Pepplitsch reviewed a proposed replat titled CDA First Addition. Following discussion, Resolution No. 2013-30 was presented. Moved by Miller, seconded by Roberts, to approve Resolution No. 2013-30. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem. Motion carried.

RESOLUTION NO. 2013-30

CDA FIRST ADDITION

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

The plat of CDA FIRST ADDITION, an addition to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, 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 this 8TH day of October, 2013.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Baruth, City Clerk

ROUNDTABLE DISCUSSION: Pepplitsch reminded Council and Staff of the work session scheduled for Saturday, October 12. He also requested Council to view a draft online version of the Comprehensive Plan and forward any comments to Staff.

Burnside gave an update on the Jackson Street Paving Improvement project, noting that it is anticipated to open the first week of November.

ADJOURNMENT:

There being no further business to come before the Council, Vice President Salem declared the meeting adjourned.

John Salem
Vice President

Pamela Baruth
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