

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 27, 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 Fagot, John Salem, Linda Miller, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Pepplichtsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Development Services Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald and Kearney Hub.

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 City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 8-13-2013 Minutes of the Regular meeting held Tuesday, August 13, 2013, were presented for Council approval. Moved by Salem, seconded by Roberts, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,990,391.57 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$297,021.04 from the General Fund, \$179,858.64 from Street Fund, \$1,454,592.88 from LEXUS, \$29,617.52 from Sanitation, \$12,203.06 from Ambulance, \$11,072.08 from Health Fund, and \$6,026.35 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 27, 2013**

AFLAC	Premium	1310.12
Allfasteners Midwest LLC	SW / WR Supplies	160.54
Area Services	SW Service	757.50
ASK Supply Co. LLC	ST Supplies	75.00
Axis Capital, Inc.	Mail Machine Payment	840.00
Barajas, Pablo	EL Rebate	900.00
Barco Municipal Products, Inc.	WR Supplies	89.67
Berke, David	Yard Clean-up	200.00
Bob's Auto Repair & Service	Central Garage Service / Supplies	494.28
Caldera, Geraldo	EL Rebate	370.00
Card Center/Orscheln	WR/Cem/WWTP/PK/ST/LFAC/CG Spls	615.50
Cash-Wa Distributing	Food & Supplies	2,414.14

Center Point Large Print	Library Books	86.28
Central Garage Fund	Service / Repairs	13,119.81
Certified Laboratories	Central Garage Supplies	684.33
Coca Cola/Dr Pepper Bottling Krny	Beverages	20.00
Copper, Michael	Yard Clean-up	100.00
Davis Energy, Inc.	Fuel	5,309.61
Dawson Area Development	Admin Fees / SE Business PK PJ	9,000.00
Demco, Inc.	Library Supplies	113.21
Diamond Vogel Paint	ST / PK Supplies	1,277.65
Eilers Machine & Welding, Inc.	WWTP Supplies	59.16
Electric Fixture & Supply	PK Supplies	124.56
EMS Billing Services, Inc.	Ambulance Billing Services	3,373.76
Fagot Refrigeration & Electric, Inc	GGC Service/Repair/Wire EL Car Station	1,238.69
Fairbanks International	Central Garage Supplies	62.47
Fastenal Company	WWTP Supplies	110.52
Franco, Roberto	Yard Clean-up	180.00
Gale Group, The	Library Books	138.69
Gothenburg State Bank	Monthly EPS Pmts	3,017.37
GPM	WWTP Service	1,251.00
Great Western Bank-Lib Petty Cash	Postage / Stamps / Supplies / Meals	153.23
Guadron, Berta	EL Rebate	900.00
HD Supply Waterworks	EL Meters / AMI / WR Supplies	246,091.29
Health Claims Fund	Claims	6,787.52
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Ingram Library Services	Library Books	739.61
Jack's Uniforms & Equipment	Police Supplies	270.69
Jakes Toro Sprinklers	Sprinkler Repair	82.25
Lexington Newspapers, Inc.	Publications	645.42
Lexington Utilities System	Utilities	38,590.26
Lexington Volunteer Fire Dept.	Ambulance Fees	2,812.36
Lexington City Payroll Account		
Payroll	Wages	136,100.36
Social Security	Employer Portion / FICA Med	10,123.35
Union Bank & Trust	Employer Portion / Pension	3,873.17
Union Bank & Trust	Police Pension	1,983.81
ICMA	City Manager Pension	836.93
Lien, Inc.	Plant Trees / Sprinkler Repair	9,720.53
Martinez, Selena	UTL Refund	207.86
Matheson Tri-Gas, Inc.	Ambulance Supplies	78.60
Mead Lumber & Rental-Lex	Cem / Central Garage Supplies	68.79
Mid-American Research Chemical	SW / ST Supplies	748.00
Midland Scientific, Inc.	WWTP Lab Supplies	486.51
Miracle Recreation Equipment Co	PK Supplies	947.43
Municipal Automation & Control	WWTP Temperature Transmitter	2,092.40
Municipal Supply, Inc.	WR Supplies	394.98
NE Public Health Environmental Lab	WR Testing	1,745.25
Nebraska Amateur Softball Assn	ST Softball Tournament Supplies	262.00
Nebraska Environmental Products	Central Garage Supplies	485.76
Nebraska Machinery	Central Garage Supplies	292.53
Nebraska Public Power District	Power Purchase	1,039,624.06
Nebraska State Treasurer	Unclaimed Property	353.53
OCLC, Inc.	Library Subscriptions	71.51
Oestreich, Dave	EL Rebate	1,200.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	139.64
Platte Valley Auto Mart	Central Garage Supplies	2,300.00
Platte Valley Comm. Of Kearney	Mo Maintenance / Supplies / Repair	317.00

Price's Tree Service	Tree / Stump Removal	1,600.00
Rhomar Industries, Inc.	ST Supplies	203.38
Roberts Dairy Company	Food & Beverages	415.15
S & W Auto Parts	Central Garage Supplies	1,040.84
S and D Contractors	Yard Clean-up	850.00
Service Master Mid Nebraska	Cleaning Service	4,821.00
Shepard, Nancy	EL Rebate	550.00
Statewide Collection, LLC	Collection Fees	733.11
Sterling West	PK - Rubber Mulch	3,360.00
Superior Signals, Inc.	Central Garage Supplies	210.50
T. O. Haas Tire Co.	Tire / Repair	188.28
TASC - Client Invoices	Fees	158.41
Thompson Co., The	Food & Supplies	1,569.04
Travelers - RMD	W C Premium Fire Pack	7,301.00
Uline	EL Supplies	85.32
Unisan Products	Library Supplies	104.72
Unitech	SW Supplies	1,266.00
Verizon Wireless	Cellphone Service	361.75
Village Uniform	GGC Supplies	174.10
Vision Internet Providers, Inc.	Monthly Hosting Fee	441.00
Vivas, Dora	EL Rebate	900.00
Wal-Mart	Supplies	253.44
Weathercraft Companies	Muni Bldg Repair	347.36
Worthing, Brad	EL Rebate	550.00
Business Card		
ARC Services/Training	Lifeguard Recertification	1,190.00
Atlantic Tactical	Police Supplies	280.94
Chief Supply Corporation	Uniform Expense	49.75
Copper, Michael	Yard Clean-up	200.00
Dan's Sanitation, Inc.	Sanitation Fees	29,617.52
Davis Energy, Inc.	Fuel	4,526.91
Dutton-Lainson Company	EL Supplies	335.98
Eakes Office Plus	Library Supplies	23.57
Electric Pump	WWTP Supplies	296.99
Fagot Refrigeration & Electric, Inc	LVFD Repair/GGC Heat Pump	6,169.78
Fastenal Company	WWTP Supplies	49.53
Great Western Bank-City Petty Cash	Meals / Mileage / Car Wash	71.88
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Food	36.75
Health Claims Fund	Claims	2,816.03
Ingram Library Services	Library Books	173.65
Intellicom Computer Consulting	DCOC Supplies	65.40
Jim Phillips Const.	ST / Sidewalk Repair	4,590.00
Lex Rural Fire Protection District	Insurance Pmt on Tanker	123,300.00
Lexington, City of	Franchise Fees	84,777.33
Mead Lumber & Rental-Lexington	WR Supplies	30.58
Mersino Dewatering, Inc.	WWTP Improvements PJ / Rental	6,000.00
Midland Scientific, Inc.	WWTP Testing Supplies	66.36
Nebraska Department of Roads	Jackson ST Reconstruction PJ	136,896.40
Plum Creek Medical Group	Employment Physical	103.00
Service Master Mid Nebraska	Cleaning Service	260.00
T & R Service Company	Transformer Disposal	616.00
Team Detail & Quicklube	Car Washes / Uniform Expense	88.00
Wal-Mart	Supplies	154.33
	TOTAL CLAIMS:	1,990,391.57

CIS GRANT:

Pepplitsch reviewed proposals received for Administrative Services for the CIS Study Grant. Following discussion, moved by Miller, seconded by Vivas, to accept a proposal by DAD for such services and authorize the City Manager to execute an agreement. Roll call. Voting "aye" were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2013-26 was presented. Pepplitsch reviewed the proposed acquisition of property for redevelopment purposes in Redevelopment Area #1 by the CDA. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2013-26 as presented. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-26

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO THE REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS, NECESSARY FOR A REDEVELOPMENT PROJECT, AND CONSISTENT WITH THE MASTER PLAN OF THE CITY, AND AUTHORIZING THE ACQUISITION OF THE SAME BY THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, a municipal corporation and city of the first class ("City"), determined it to be desirable to undertake and carry out development projects in areas of the City determined by the City to be substandard and blighted and in need of redevelopment;

WHEREAS, the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 through 18-2154, as amended ("Development Law"), prescribes the requirements and procedures for the planning and implementation of redevelopment pursuant to the Development Law;

WHEREAS, the City previously created the Community Development Agency of Lexington, Nebraska ("Agency") pursuant to the Development Law;

WHEREAS, the City previously ratified and affirmed Redevelopment Plan #1, attached as "Exhibit A", for a redevelopment project that includes the real property described herein ("Redevelopment Project"), determined it to be within the best interests of the community impacted by the Redevelopment Project, and directed the Agency to implement the Redevelopment Project in accordance with the Development Law;

WHEREAS, the real property described herein is poorly maintained, vacant, undeveloped land that includes conditions that are insanitary or unsafe; endanger life or property; are conducive to ill health, transmission of disease, juvenile delinquency, and crime; are detrimental to the public health, safety, morals, and welfare; include defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and substantially impair or arrest the sound growth of the community and constitute an economic or social liability;

WHEREAS, the City previously determined the real property described herein to be substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsections (10) and (11) in that such area meets the criteria described

in subsection (10) and meets one or more of the factors set forth in (i) through (iv) of subsection (11)(b);

WHEREAS, Nebraska Revised Statutes section 18-2122 provides that the Agency may acquire any real property which it may deem necessary for a redevelopment project, defined under Nebraska Revised Statutes section 18 2103(12);

WHEREAS, Nebraska Revised Statutes, Chapter 76, Article 7, provides general authority and procedures for a political subdivision, such as the City, to utilize the power of eminent domain;

WHEREAS, the Agency previously determined that the acquisition of the real property described herein necessary for the Redevelopment Project, essential to the redevelopment of substandard and blighted areas within the Redevelopment Project, and consistent with the City of Lexington Master Plan ("Master Plan"); and

WHEREAS, after a public hearing, the City has reviewed the recommendation of the Agency and determined that the acquisition of the real property described herein is necessary for the Redevelopment Project, essential to the removal of blight and substandard conditions in the Redevelopment Project, consistent with the Master Plan, and in the best interests of the City and the Agency to acquire said real property.

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

Section 1. RESOLVED, the City finds that the following described undeveloped vacant real property is located within the limits of the City; that said lands are a necessary part of the Redevelopment Project; are substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsections (10) and (11); are in need of redevelopment; and that the acquisition is consistent with the Master Plan:

[See Attached Exhibit B]

Section 2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprise without the aids of the Development Law. The elimination of said substandard and blighted condition under the authority of the Development Law is a public purpose and in the public interest.

Section 3. The City Manager of the City, or his or her designee, is hereby authorized and directed to acquire said real property, on behalf of the Agency, through good faith negotiation with the property owner.

Section 4. If, after a reasonable period of time, the good faith negotiation to acquire said real property is unsuccessful, the Agency is hereby authorized and directed to acquire said real property through eminent domain proceedings.

Section 5. Upon acquisition of said real property, the Agency is hereby authorized and directed to provide for the development and redevelopment of said real property according to the Development Law.

Section 6. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall be published and shall take effect as provided by law. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 27th day of August, 2013.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Baruth, City Clerk

FINANCIAL REPORT:

Pepplitsch presented a financial report for July 2013. Following discussion, moved by Vivas, seconded by Salem to accept the financial report as presented. Roll call. Voting "aye" were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

BUDGET FY 2014:

Council and Staff reviewed a final draft of the FY 2014 budget. A public hearing on the budget will be conducted at the September 10th council meeting.

ROUNDTABLE DISCUSSION:

Pepplitsch indicated he will poll Councilmembers and staff on potential work session dates.

Burnside gave an update on the Jackson Street Paving Improvement project.

Fagot announced that Dawson Area Development was recently awarded a planning grant for a regional housing study.

Roberts indicated that he will need to be absent from the September 10th regular meeting, and Miller indicated she will need to be absent from the September 24th regular meeting.

ADJOURNMENT:

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

John Fagot
Mayor

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.

/s/ Pamela Baruth
City Clerk