

**CITY COUNCIL
CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 12, 2015, 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, Dora Vivas, and Jeremy Roberts. Councilmember Linda Miller received an excused absence. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, Assistant City Attorney Brian Copley, Finance Director Barb Hodges, Development Services Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by KRVN and the Clipper Herald.

NOTICE: Notice of the meeting was given in advance, thereof by posting in the following locations: Lexington City Hall, Dawson County Courthouse, Homestead Bank, Great Western Bank, Pinnacle Bank, on Friday, May 8, 2015. 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 4-28-15: Minutes of the Regular meeting held Tuesday, April 28, 2015, were presented. Moved by Roberts, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,576,315.03 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$265,657.60 from the General Fund, \$72,601.12 from Street Fund, \$1,206,865.56 from LEXUS, \$10,000.00 from Sanitation, \$7,024.07 from Ambulance, \$13,150.51 from Health Fund, and \$1,016.17 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 12, 2015**

Aesseal, LLC	WWTP Sludge Dump Packing	1,133.69
All Points Cooperative	Fuel / Weed Killer / Fertilizer	7,366.60
Anytime Fitness	Wellness	128.40
Awards Plus	ST Plaque	74.15
Baker & Taylor	Library Books	871.98
Central Community College	CPR / Instructor Classes	644.00
Central Fire & Safety	Fire Extinguisher Maintenance	4,069.00
Central Garage Fund	Fuel	8,488.14
Central Tire & Tread, Inc.	Cem Tire Repair	19.50
Culligan Water Conditioning Co.	Soft Water Supplies	280.65
Danko Emergency Equipment	Fire Dept Equipment	381.55
Dan's Sanitation	Sanitation Fees	4,105.32
Davis Energy, Inc.	Fuel / Oil	6,692.40
Dawson Public Power District	Power Purchase	529.66
Downey Drilling, Inc.	Well #16 VFD Controller	437.50
Dutton-Lainson Company	EL Supplies	112.79
Eakes Office Solutions	Library Supplies	48.06
Electrical Engineering & Equipment Co.	EL Supplies	425.80
EMS Billing Services, Inc.	Ambulance Billing	2,410.09

Fagot Refrigeration & Electric, Inc. 1,767.88	GGC/EL Car Chgr/Well 18&16/Liftstation Reps	
Family Advocacy Network	Police Subscription Fee	1,000.00
Fastenal Company	WR / WWTP Supplies	190.33
Follett School Solutions, Inc.	Library Supplies	718.77
FYR-TEK	Ambulance/Fire Dept Equipment/Repairs	4,231.21
Gale/Cengage Learning	Library Books	137.37
Grainger	WWTP Supplies	139.00
Health Claims Fund	Claims	11,961.66
Heldt & McKeone Law Offices	Professional / Filing Fees	2,710.00
Holbein, Dahlas	Fire Dept / ST Lawn Care	330.00
Holmes Plumbing/Heating Supply	WR Supplies	59.81
Ingram Library Services	Library Books	96.51
John Deere Financial	WWTP/WR/ST/Cem/PK/CG Supplies	1,366.97
Johnson Service Company	Liftstation Cleaning Service	1,262.50
Jones Plumbing & Heating, Inc.	WWTP / WR Supplies	877.09
Kimbo Educational	Library CDs	38.40
Lexington Animal Clinic	Animal Care	636.84
Lexington Community Foundation	Fieldhouse Donations	985.84
Lexington Health Fund	Self-funding	46,473.78
Lexington Newspapers, Inc.	Publications	468.17
Lexington, City of	Franchise Fees	12.50
Logan Contractors Supply, Inc.	Tar Kettle	33,460.00
Mac's Short Stop	GGC Food	85.30
Matheson Tri-Gas, Inc.	Ambulance Supplies	86.04
Mead Lumber & Rental - Lexington	PK / WWTP / ST / Cem / WR Supplies	4,488.48
Meritain Health	Health Premium	20,083.78
MicroMarketing LLC	Library Books	398.87
Mid-Plains Equipment	PK Trailer	3,985.00
Midwest Laboratories, Inc.	WWTP Testing Supplies	42.00
Milco Environmental Services, Inc.	WWTP Service	910.50
Miller & Associates	WWTP Improvement PJ	3,000.00
Municipal Supply, Inc.	WR / WWTP Supplies	2,750.15
Natl Assn of School Resource Officers, Inc.	Police / Classes	495.00
NE DOL/Boiler Inspection Program	Boiler Inspection / Recertification	36.00
Nebraska Public Power District	Power Purchase	911,562.08
One Call Concepts, Inc.	Locates	116.05
Orthman Community YMCA	Sponsorship	300.00
Overton Sand & Gravel Co.	Fill Sand / White Rock	1,316.50
Paulsen, Inc.	Concrete / White Rock	2,106.39
Platte Valley Auto Mart	Police Vehicles Serviced	1,741.60
Price's Tree Service	Fieldhouse PJ Service	7,282.40
Principal	Dental Premium	2,800.62
Quality Books, Inc.	Library Books	102.90
Rasmussen Mechanical Services	Library Maintenance	1,229.00
RepCo Marketing, Inc.	Police Supplies	97.00
Reutlinger, Chad	Travel Expense	32.24
Richardson Mowing	Library Lawn Care	170.00
RYDE Transit	Transportation	34.00
S & W Auto Parts, Inc.	Development Services Supplies	23.98
Sensus USA	AMI Annual Maintenance	3,406.21
Service Master of Mid Nebraska	Cleaning Service	4,400.72
Source Gas, LLC	Gas Service	4,877.37
Standard Life	Life Premium	702.35
Taste of Home Books	Library Book	31.98
Thalman, Julie	Cleaning Service	200.00
Total Lawn Care	LFAC Lawn Care	940.00

Unisan Nebraska LLC	Library Supplies	219.53
U-Save Business Equipment	Bus Office/GGC/Pol/ST/Dev Svcs/Postage	767.13
Village Uniform	GGC Supplies	123.73
VSP / Vision Service Plan	Vision Premium	751.85
Wal-Mart	Supplies	247.05
Wesco Receivables Corp	ST Light Fixtures	46,490.00
Wightman, Jeff	UTL Refund	29.40
AFLAC	Premium	1,188.85
Bennett Advertising Specialties	Business Cards / R Thompson	98.83
Bloomberg Businessweek	Library Subscription	74.90
Bob's Auto Repair & Service	WR Pickup Repair	183.28
Central Garage Fund	Service & Repair	4,969.41
Central Tire & Tread, Inc.	ST / Central Garage Tires / Repair	297.41
Cook's Illustrated	Library Subscription	9.95
Dan's Sanitation	Sanitation Fees	10,000.00
Davis Energy, Inc.	Fuel	378.19
Dawson Public Power	Power Purchase	11,865.23
Eustis Body Shop, Inc.	Library Sign Repaired	1,480.00
Fagot Refrigeration & Electric, Inc.	DCOC / Opt PK Repairs	819.80
Follett School Solutions, Inc.	Library Supplies	424.77
Grainger	WWTP / Safety Glasses / Supplies	272.58
Great Western Bank	Lukas Land Purchase	28,733.36
HD Supply Waterworks	WR Meter Supplies	3,280.61
Intellicom Computer Consulting, Inc.	Mo Billing / Service	177.49
Jakes Toro Sprinklers	LFAC Sprinkler Repair	196.25
John Deere Financial/Landmark Implement	Central Garage Supplies	358.94
John Deere Financial	PK Supplies	11.77
League of Nebraska Municipalities	Conference Registrations	634.00
Lexington Newspapers	Publications	7.77
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Ambulance Supplies	135.00
Lexington Truck & Auto, Inc.	Central Garage Supplies / Rear End Gears	1,436.00
Lexington City Payroll Account		
Payroll	Wages	132,824.84
Social Security	Employer Portion / FICA Med	9,876.29
Union Bank & Trust	Employer Portion / Pension	4,690.20
Union Bank & Trust	Police Pension	2,251.40
ICMA	City Manager Pension	861.07
Mead Lumber & Rental - Lexington	WWTP Supplies	10.95
MicroMarketing LLC	Library Books	76.98
Mid-Plains Equipment, Inc.	PK Equipment Supplies	55.00
Mid-State Units	Rental	900.00
Morris Press	GGC Supplies	257.86
National Geographic En Espanol	Library Subscription	23.99
National Patent Analytical Systems, Inc.	Police Equipment Repairs	431.56
Nebraska Department of Revenue	Sales & Use Tax	48,460.57
Nebraska Department of Roads	17th / Walnut ST Reconstruction PJ	8,771.51
Nebraska Public Power District	O & M	98,115.63
Nebraska Public Power District	Large Capital PJs	6,474.58
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,179.20
NebraskaLink	Library / City Service	395.00
Nelson, Kathy	Library Book	15.00
O'Hara Lindsay and Associates, Inc.	Lobbying Service	1,009.10
Plum Creek Market Place	Food	56.74
Plum Creek Promotions	REC Game Jerseys	1,128.05
Regional Books	Library Books	55.69
Resource Management Co., Inc.	Junk Tire Pickup	450.00

S & W Auto Parts, Inc.	Central Garage / PK Supplies	365.20
Terryberry	Retirement Gift	183.58
Titan Access/Productivity Plus Account	Cem Utility Vehicle	14,356.00
Tri-City Tribune	Advertisements	96.00
Wal-Mart	Supplies	136.54
TOTAL CLAIMS:		1,576,315.03

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a proposed redevelopment plan from Pentad Properties Corp for property located in Redevelopment Area #1. Peplitsch highlighted the plan which includes the construction of a minimum 11,000 square foot commercial space with an anticipated value of \$1,000,000. He noted the Planning Commission and CDA have reviewed and recommended approval of the plan. There being no public comments, the public hearing was closed. Resolution No. 2015-09 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2015-09. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2015-09

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 the plan uses funds authorized in Section 18-2147 of the Act; (i) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing; (ii) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing; and (iii) the costs and benefits of the redevelopment 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 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 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 Agency. The Agency is hereby authorized to execute the redevelopment contract contained within the Redevelopment Plan and to take all actions necessary and convenient to implement the Redevelopment Plan.

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 Redevelopment Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be set forth in the redevelopment Contract. 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 City Manager is 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 12th day of May, 2015.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a proposed subdivision plat from the City of Lexington, Replat of Tract 2, Wal-Mart Subdivision. Peplitsch reviewed the plat, noting the Planning Commission is recommending approval. There being no public comments, the public hearing was closed. Resolution No. 2015-10 was presented. Moved by Roberts, seconded by Salem, to approve Resolution No. 2015-10. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2015-10

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

The plat of REPLAT OF TRACT 2 WAL-MART SUBDIVISION, an addition to the City of Lexington, 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 this 12th day of May, 2015.

RESOLUTION: Resolution No. 2015-11 was presented. Peplitsch noted the property conveyance is necessary for the CDA to implement a redevelopment contract with Pentad Properties Corp. Following discussion, moved by Vivas, seconded by Roberts, to approve Resolution No. 2015-11. Roll call. Voting “aye” were Salem, Roberts, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2015-11

WHEREAS, the City of Lexington owns certain real estate for the purpose of commercial development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is preparing a redevelopment project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said redevelopment project by transferring title to said real estate to the Community Development Agency.

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

That the President of the Council is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Development Agency of Lexington, Nebraska, the following described real estate, to-wit:

Lot 3, Replat of Tract 2 Wal-Mart Subdivision, an addition to the City of Lexington, Dawson County, Nebraska.

Passed and approved the 12th day of May, 2015.

LIBRARY REPORT: Patricia Longly presented a 2013-2014 Annual Report of the Lexington Public Library Board activities. Following her presentation, moved by Vivas, seconded by Salem, to accept the annual report as presented. Voting “aye” were Roberts, Salem, Vivas, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch provided updates on current city projects.

ADJOURNMENT: There being no further business to come before the Council, 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