

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

A Regular Meeting of the Lexington City Council was held Tuesday, May 26, 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, Linda Miller, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Pepplichtsch, Assistant City Manager Dennis Burnside, Assistant City Attorney Brian Copley, Finance Director Barb Hodges, and City Clerk Pamela Baruth. The press was represented by KRVN and Clipper-Herald.

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 5-12-2015: Minutes of the Regular meeting held Tuesday, May 12, 2015, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$560,185.20 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 \$96,834.75 from the General Fund, \$13,883.81 from Street Fund, \$127,756.88 from TIF, \$272,898.25 from LEXUS, \$30,300.52 from Sanitation, \$1,264.24 from Ambulance, \$11,796.38 from Health Fund, and \$5,450.37 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
May 26, 2015**

Associated Supply Company, Inc.	LFAC Supplies	745.71
Baker & Taylor	Library Books	31.29
Bob’s Auto Repair & Service	WR / SW Vehicle Repairs	321.84
Business Card		
Computer Warehouse	GGC / Supplies	47.78
K & F Associates	Business Office / Cleaning Tapes	110.73
Shell Oil	Admin / Fuel at Meeting	23.48
King Buffet	Police / Meals	18.50
Pizza Hut	Police / Meals	12.19
Valentino’s	Police / Meal	8.08
Courtyard by Marriott	PK / Lodging at School	387.24
Red Cross Store	LFAC Manuals / Hip Packs	1,688.24
Select Mart	PK / Fuel at School	17.91
Tennis Warehouse	Youth Tennis Supplies	620.60
Party America-Kearney	Harold’s Retirement Party Supplies	109.13
Post Office	WR Sample Postage	96.75
Walmart	Rec / ST Supplies	104.37
Menards-Kearney	Fire Dept / Cleaning Supplies	97.74

Meridian Rentals	Cem / Weed Trimmers & Parts	660.91
National Registry EMT	EMT Exam Fee	70.00
Holiday Inn Express	Police / Lodging at Seminar	119.08
VistaPrint	Recognition BBQ Invitations	38.78
Cash-Wa Distributing	Food & Supplies	6,843.55
Center Point Large Print	Library Books	86.28
Coca Cola/Dr Pepper of Kearney	Beverages	1,032.20
Community Development Agency	Ford & Ford/Cornhusker Energy-TIF Pmts	127,756.88
Cummins Central Power, LLC	WWTP Generator Service	849.64
Davis Energy, Inc.	Fuel / Oil /Propane	3,966.19
Dawson Pest Control	DCOC / GGC Service	91.35
Delp, Terry	EL Rebate	800.00
Dutton-Lainson Company	EL Meter Supplies	582.51
DXP Enterprises, Inc.	ST Sweeper Supplies	22.87
Eakes Office Solutions	Library Supplies	350.98
Eckland, Donna	LFAC Clinic	40.00
Electrical Engineering & Equipment Co.	EL Conduit/Elbows for Liberty Dr/Spls	7,482.88
Energy Pioneer Solutions	EPS Payments	2,628.42
Fagot Refrigeration and Electric, Inc.	GGC Heat Pump Repair	1,639.00
Fastenal Company	WWTP Gloves	47.16
Flowers of Joy	Retirement Balloons	72.00
Gale/Cengage Learning	Library Books	211.31
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Supplies	191.95
Health Claims Fund	Claims	11,600.38
Hiland Dairy Foods Company LLC	Beverages / Food	574.51
Holbein, Dahlas	Fire Dept Maintenance / Cleaning Service	1,000.00
Ingram Library Services	Library Books	156.81
Intellicom Computer Consulting, Inc.	Monthly Billing	1,150.00
Jim Phillips Const.	ST Repairs	7,051.00
Jones Plumbing & Heating, Inc.	REC / PK / LFAC Dewinterize / Repairs	591.00
Komline-Sanderson	WWTP Sludge Pump Supplies	889.36
Leger, Jean	LFAC Clinic	40.00
Lexington Area Solid Waste Agency	Landfill	825.76
Lexington Newspapers, Inc.	Publications	1,027.87
Lexington Public Schools	CDBG - Majestic Theater PJ	19,445.00
Lexington Recreation Program	Umpires	1,000.00
Lexington Rural Fire Department	7th & Tyler Building Costs	25,634.55
Lexington Utilities System	Utilities	30,816.03
Mead Lumber-Lexington	PK / Cem / Fire Dept Supplies	186.24
MicroMarketing LLC	Library Books	40.00
Mid-American Research Chemical	LFAC Supplies	84.36
Miller & Associates	Misc Service	2,111.80
Moore Medical LLC	Ambulance Supplies	853.26
Municipal Code Corporation	Dev Services Book Updates	1,942.78
Municipal Supply, Inc.	WR Spls for WWTP Support Facility PJ	2,745.15
Nebraska Dept of Environmental Quality	Clean WR Loan Principal/Interest/Admin Fee	158,893.54
OCLC, Inc.	Library Subscription	104.20
ODB Company	ST Supplies	307.26
Orthman Community YMCA	Membership Dues	1,251.60
Overton Community Center	Meals on Wheels	100.00
Oxmoor House, Inc.	Library Book	36.91
Paulsen, Inc.	Concrete	935.00
Pinedo, Valente	EL Rebate	1,325.00
Platte Valley Auto Mart, Inc.	Admin Office Vehicle	333.36
Platte Valley Communications	Mo Maint / GGC / Well 10 & 13 Repair	604.38
Presto-X	Library Service	1,075.00

Primary Electric, Inc.	EL Bldg Light Replacements	2,351.80
Quality Flow Systems, Inc.	WWTP Lift Station Relays	677.44
Regional Books, Inc.	Library Books	113.68
Rowan, Jeff	LFAC Clinic	40.00
S & W Auto Parts	WWTP / PK / Cem / WR / Police Supplies	78.61
Sentimental Productions	Library DVDs	95.00
Service Master of Mid Nebraska	Cleaning Service	5,163.00
Sign Pro	PK / Rec Decals	90.00
Statewide Collection LLC	Collection Fees	474.12
Steve's Lock & Key	PK Keys	13.50
Taste of Home Books	Library Book	31.98
Thompson Co., The	Food / Supplies	2,190.19
Tingelhoff, Tiffany	LFAC Clinic	40.00
Totalfunds by Hasler	Postage	3,005.05
USABlueBook	WR Supplies	52.19
Verizon Wireless	Cellphones	355.22
Village Uniform	GGC Supplies	50.84
Vision Technology Solutions, LLC	Monthly Web Hosting	243.10
Wal-Mart	Supplies	722.55
Conney Safety	SW / ST / Pk Supplies	629.19
Dan's Sanitation	Sanitation Fees	30,300.52
Great Western Bank-City Petty Cash	Seminar/Refund/EL Incentives/Pstg/Title	103.51
Great Western Bank-Lib Petty Cash	Postage	20.68
Johnstone Supply	DCOC Filters	214.60
Lexington, City of	Franchise Fees	72,318.58
Miller & Associates	LFAC Painting PJ	5,129.55
NE Law Enforcement Training Center	Police Training	95.00
Nelson's Furniture, Inc	Library Lamps	238.00
Roberts, Barb	PK Flowers	60.00
Subway @ Walmart	Meals	30.00
TASC - Client Invoices	Admin Fees	196.00
Ultramax	Police Ammunition	276.00
Wal-Mart	Supplies	27.67
	TOTAL CLAIMS:	560,185.20

FINANCIAL REPORT: Moved by Miller, seconded by Vivas, to accept the financial report for April 2015 as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

PILOT: Diane Adams, Lexington Housing Authority, requested a waiver of the Payment in Lieu of Taxes agreement with the City of Lexington. Following discussion, moved by Miller, seconded by Vivas, to approve a waiver of the PILOT agreement for fiscal year 2015. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a redevelopment plan from Central Tire & Tread Inc. for property located in Redevelopment Area #1. Peplitsch reviewed the proposed plan, outlining city, CDA, and developer responsibilities. The public hearing was closed. Following discussion, Resolution No. 2015-12 was presented. Moved by Miller, seconded by Salem, to approve the Resolution 2015-12 as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

RESOLUTION NO. 2015-12

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 26th day of May, 2015.

CONTRACT EXTENSION: Deb Jensen, DAD, requested a contract amendment for the Majestic Theater project, CDBG 12-TD-004. She noted all monies have been drawn down and activities will be completed soon as a July 31 completion date is anticipated. Following discussion, moved by Salem, seconded by Roberts, to approve the contract extension as presented. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

NW INFRASTRUCTURE: Pepplitsch requested Council consideration of plans and specifications for the Northwest Third Addition Phase 2 Improvements project. He noted infrastructure improvements would open up the area between 20th and Patriot Drive, and Independence and Erie, for available housing lots. Solicitation of bids would provide cost and completion estimates. Following discussion, moved by Roberts, seconded by Salem, to approve plans and specifications for the NW Third Addition Phase 2 Improvement plan and authorization to solicit bids. Roll call. Voting “aye” were Miller, Vivas, Salem, Roberts, Fagot. Motion carried.

LIBERTY DRIVE: Pepplitsch requested Council consideration of Liberty Drive Paving Improvements project close out documents of Pay Request #2-Final, Change Order #1, and Certificate of Substantial Completion. Following discussion, moved by Roberts, seconded by Salem, to approve close out documents as presented. Roll call. Voting “aye” were Miller, Vivas, Salem, Roberts, Fagot. Motion carried.

CONTRACT: Pepplitsch reviewed an operating agreement with West Central Area Agency on Aging for the Meals Program for FY 2016. Following discussion, moved by Miller, seconded by Salem, to approve the

operating contract as presented and to authorize the execution of necessary documents. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

WORK SESSION: Moved by Salem, seconded by Roberts, to schedule a council work session for Saturday, June 27, 2015, at 8:00 a.m. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch gave updates on several current 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