

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

A Regular Meeting of the Lexington City Council was held Tuesday, February 23, 2016, at the Lexington City Hall, 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 Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, Development Services Director Bill Brecks, Police Chief Tracy Wolf 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, 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 2-9-16: Minutes of the Regular meeting held Tuesday, February 9, 2016, were presented. Moved by Roberts, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Miller, Salem, Vivas, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,743,625.98 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 \$298,762.98 from General Fund, \$66,542.43 from Street Fund, \$1,334,266.77 from LEXUS, \$30,415.23 from Sanitation, \$1,955.41 from Ambulance, \$7,627.86 from Health Fund, and \$4,055.30 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
February 23, 2016**

A Full House	WWTP Support Facility Fridge/ Dishwasher	1,259.99
Aflac	Premiums	1,312.20
Amazon	Library Wii Console	268.59
Ask Supply, Co.	ST Cleaning Supplies	74.77
Baker & Taylor	Library Books	127.25
Bamford, Inc.	Fire Dept Fire Sprinkler Inspection	225.00
Barco Municipal Products, Inc.	ST Tire Chains & Fasteners	1,597.07
Bauer Built Tire	Tire Repair	109.50
Blue Cross Blue Shield	Ambulance Fee Refund	435.18
Business Card:		
Adobe	ST Subscription Renewal	192.47
Casey's General Store	ST Snow Removal Meals	118.34
Door Closer Svc, Co.	Fieldhouse Weather Stripping	75.36
International Code Council	Membership Dues	90.00
Imprint.com	Fieldhouse Lanyards	92.75
Long John Silvers	Police Conference Meals	25.26
Mattress Factory, The	Police Conference Meals	12.12
McDonald's	ST Snow Removal Meals	122.54

NFPA National Fire Protection Assoc.	Dev Svcs Code Book	107.95
Palos Sports, Inc.	Fieldhouse Soccer Ball Carts	463.93
Post Office	WR Postage	137.70
Sports Unlimited	Soccer Goal Anchor Bags	331.12
USI Education & Govt Sales	Desktop Laminator & Materials	148.40
Wal-Mart	Fire Hall Wireless Router/Paint Supplies	156.83
Cash-Wa Distributing	Food & Supplies	3,062.55
Center Point Large Print	Library Books	86.28
Central Community College	Instructor Course Registration	200.00
Charge Point, Inc.	Car Charging Station Annual Support	2,383.88
Child's World, The	Library Books	237.35
Comfort Inn	Police Conference Lodging	663.60
Conney Safety	ST / PK / WR / CEM First Aid Supplies	283.26
Davis Energy, Inc.	Fuel	3,919.36
Dawson Pest Control	Opp Cntr / Fire Hall Service	112.35
Dawson Public Power District	Power Purchase	19,342.23
Dell Marketing	Utilities Computers	2,291.98
Electrical Engineering & Equipment, Co.	ST Light Parts / WR / ST Supplies	4,924.71
Energy Pioneer Solutions	EPS Payments	2,561.42
Fagot Refrigeration & Electric, Inc .	Fire Hall/SB/Lbry/Welcme Sign Svc	2,867.24
Fastenal Company	Snow Blower Parts / Fieldhouse Screws	18.95
Fire Extrication Hazmat Billing	Fire Equipment Fees	98.47
Fyr-Tek, Inc.	Compressor	11,323.95
Gale/Cengage Learning	Library Books	148.29
GIS Workshop	Site Development & Subscription	4,900.00
Grainger	WWTP Support Facility Shelving	379.50
Great Plains GFOA	Membership Dues	50.00
Great Western Bank-Lib. Petty Cash	Postage / Craft Supplies / Food	222.53
Harm, Michelle	Ambulance Fee Refund	20.00
HD Supply Waterworks	WR Meters	4,019.85
Health Claims Fund	Claims	6,315.66
Hiland Dairy Foods Company LLC	Food & Beverages	185.28
Holbein, Dahlas	Fire Equipment Maintenance	1,000.00
Holbein, Steve	Deadbolt for Fieldhouse	114.50
HOA Solutions, Inc.	WR Tower Temp Controls/Pressure Transmitter Svc	9,748.29
Holiday Inn	Fire Dept Conference Lodging	89.95
Ingram Library Services	Library Books	70.17
Intellicom Computer Consulting, Inc.	Monthly Billing	1,150.00
J & N Sales	WWTP Seal Kits	106.90
Johnstone Supply	Fieldhouse Filters	135.36
Lexington Area Chamber of Commerce	Annual Banquet Tickets	200.00
Lexington City Payroll Account	Wages	138,596.62
Payroll	Employer Portion / FICA Med	10,296.60
Social Security	Employer Portion / Pension	4,824.64
Union Bank & Trust	Police Pension	2,360.49
Union Bank & Trust	City Manager Pension	865.69
ICMA	Publications	358.18
Lexington Newspapers	Utilities	41,005.31
Lexus	WWTP Supplies	58.20
Martin Electric, Inc.	Fire Dept Supplies / Fieldhouse Cart	267.69
Mead Lumber & Rental - Lexington	Annual Service Agreement	391.00
Microfilm Imaging Systems, Inc.	Fieldhouse Artificial Turf	111,211.88
Mid-America Golf & Landscape, Inc.	ST Cleaning Supplies	64.73
Mid-American Research/ Chemical Corp	Annual Recertification	280.00
Midwest Radar & Equipment	Professional Services	9,235.00
Miller & Associates		

Moore Medical LLC	Ambulance Medical Supplies	1,084.69
Mr. Automotive	WR / ST Vehicle Parts	51.23
Nebraska Dept of Health & Human Svcs	Pool Permit	40.00
Nebraska Machinery	ST Vehicle Parts	1,189.28
NE Mosquito & Vector Control Assoc.	Conference Registration	120.00
Nebraska Planning & Zoning Assoc.	Conference Registration	180.00
Nebraska Public Power District	O & M / Power Purchase	1,144,526.90
Nebraska Tech & Telecomm, Inc.	Telephone Expense	610.63
Nebraskaland Tire	ST Vehicle Service	46.31
NLA Paraprofessional Section	Conference Registration	15.00
OCLC, Inc.	Library Subscription	108.31
Orthman Community YMCA	Memberships	971.90
O'Hara Lindsay and Associates, Inc.	Lobbying Service	1,000.00
Overton Sand & Gravel	Gravel	261.87
Platte Valley Auto Mart, Inc.	Ambulance Parts / Police Vehicle Service	185.00
Platte Valley Communications	Monthly/SB/Compost Camera/GGC Rep	601.41
Plum Creek Market Place	Food & Supplies	12.89
Rainbow Book Company	Library Books	2,668.39
Regional Books, Inc.	Library Books	39.12
S & W Auto Parts	Ambulance / SW / ST Vehicle Parts	182.48
Service Master of Mid Nebraska	Cleaning Service	5,456.05
Sign Pro	Fire Dept Decals	15.00
Subway @ Walmart	Meals	58.50
Thompson Co, The	Food & Supplies	676.80
Tyler Technologies, Inc.	Annual Online Payment Fee	1,200.00
Union Bank & Trust	2015 LVFD Service Award Contribution	17,000.00
Unisan Nebraska	Oppt Cntr Cleaning Supplies	544.37
University of Nebraska Lincoln	Conference Registration	20.00
USA Bluebook	WR Supplies	535.25
U-Save Business Equipment	WWTP Sprt Facility Ofc Furniture/Spls	6,626.50
Vermeer High Plains	ST Equipment Parts	266.19
Wal-Mart	Supplies	832.73
Bamford, Inc.	Fieldhouse Sprinkler Head Cages	24.03
BSN Sports	Ballfield Base Plates	1,359.65
Coca-Cola Bottling of Kearney	Beverages	100.00
Dan's Sanitation	Sanitation Fees	30,415.23
Dawson Public Power District	Claim Correction	-9,690.39
Electrical Engineering & Equipment, Co.	Fieldhouse Lock Switch Key	6.36
Electro Industries Nexus	Software & Annual Maintenance	3,400.00
Gnirk Lawn Care, Inc.	LFAC Ground Maintenance	6,046.50
HD Supply Waterworks	WR Meters	1,566.48
Hoendervoogt, Nick	Conference Expenses	105.00
Intellicom Computer Consulting, Inc.	Monthly Billing / ESS Setup	583.39
Lexington, City of	Franchise Fees	83,549.81
Mead Lumber & Rental - Lexington	PK Equipment Parts	45.98
NE Public Health Environmental Lab	WR Testing	688.00
Nebraskaland Tire	ST Vehicle Service & Tires	774.02
Pinnacle Agency, The	Work Comp Audit Premiums 2014-2015	15,658.00
RDO Truck Centers	ST Vehicle Axel & Brake Repair	9,095.37
Service Master of Mid Nebraska	GGC Room Cleaning	80.00
Sign Pro	Dev Svcs Field Supplies	15.00
S & W Auto Parts	ST Vehicle Parts	112.81
Unitech	Ice Melt	1,396.50
Verizon Wireless	Cellphone Expense	356.99
Village Uniform	GGC Cleaning Supplies	73.34
Wal-Mart	Supplies	97.90
Yung, Mark	Conference Expenses	105.00

TOTAL CLAIMS:

1,743,625.98

FINANCIAL REPORT: Moved by Roberts, seconded by Salem, to accept the financial report for January 2016 as presented. Roll call. Voting “aye” were Miller, Vivas, Salem, Roberts, Fagot. Motion carried.

AUDIT REPORT: Linda Erickson, Contryman Associates, presented a FY 2015 Audit Report, noting that an unmodified opinion with no findings has been issued. She also noted a single audit was completed with no findings. She expressed her gratitude for the city staff who assisted in the audit. Mayor Fagot commended Barb Hodges and her staff on a job well done. Following discussion, moved by Salem, seconded by Miller, to accept the FY 2015 audit report. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a redevelopment plan amendment for Redevelopment Area #5. Pepplitsch explained the amendment would accommodate a specific \$11 million investment in three associated housing projects totaling in excess of 90 new housing units. He also indicated that for the project to be feasible, the use of TIF was necessary for land acquisition, site preparation, and infrastructure costs. Being no public comments received, the public hearing was closed. Resolution No. 2016-03 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2016-03. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON, NEBRASKA
RESOLUTION #2016-03**

(Amendment to Redevelopment Plan for Redevelopment Area #5 and Cost-Benefit Analyses)

**A RESOLUTION OF THE CITY COUNCIL OF LEXINGTON, NEBRASKA, APPROVING AN
AMENDMENT OF THE REDEVELOPMENT PLAN FOR Redevelopment Area #5 and three cost-
benefit analyses.**

RECITALS

- A. The Community Development Agency of Lexington, Nebraska (“CDA”) has recommended that the Redevelopment Plan for Redevelopment Area #5, a copy of which is on file and available for public inspection with the City Clerk, (the “Redevelopment Plan”) should be amended to include three housing projects for the redevelopment of certain real property within the Redevelopment Area #5 identified and legally defined in the amendment (the “Project Site”);
- B. The proposed amendment to the Redevelopment Plan (“Redevelopment Plan Amendment”) is on file and available for public inspection with the Lexington City Clerk, and will incorporate the housing projects into the Redevelopment Plan for Redevelopment Area #5;
- C. The CDA, in accordance with § 18-2113 of the Act, prepared a cost-benefit analysis for each housing project under the Redevelopment Plan Amendment (collectively the “Cost-Benefit Analyses”), all of which are attached to and incorporated in the Redevelopment Plan Amendment;
- D. The Redevelopment Plan Amendment includes three redevelopment projects: i) the South Lake Flats Redevelopment Project consisting of approximately 64 two bedroom apartment units; ii) the Adams Quarter Redevelopment Project consisting of approximately 12 four bedroom apartment units; and iii) The Row Redevelopment Project consisting of approximately 20 row home dwelling units (collectively the “Housing Projects”), each of which will propose to use tax increment financing pursuant to Neb. Rev. Stat. § 18-2147.
- E. The CDA submitted the question of whether the Redevelopment Plan Amendment should be recommended to the City Council to the Planning Commission of Lexington, Nebraska.
- F. By Resolution 2016-01, the Planning Commission recommended the approval of the Redevelopment Plan Amendment by the City Council.

G. On February 23, 2016, the City Council held a public hearing relating to the question of whether the Redevelopment Plan Amendment should be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

H. The City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan Amendment pursuant to Section 18-2115 of the Act.

I. The City Council has reviewed the Redevelopment Plan Amendment, the Cost-Benefit Analyses, and the recommendations of the Planning Commission, and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found by the City Council of Lexington, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the “Act”), as follows:

1. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to Section 18-2109 of the Act.

2. The Redevelopment Plan Amendment will, in accordance with the present and future needs of the City of Lexington, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

3. The Redevelopment Plan Amendment is in conformance with the general plan for development of the City of Lexington as a whole, as set forth in the City of Lexington Comprehensive Plan, as amended.

4. The costs and benefits set forth in the Cost-Benefit Analyses are found to be in the long-term best interest of the City of Lexington. The Cost Benefit Analyses are hereby accepted and approved.

5. The Housing Projects would not be economically feasible without the use of tax increment financing.

6. The Housing Projects would not occur on the Redevelopment Area without the use of tax increment financing.

BE IT RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Redevelopment Plan Amendment is hereby approved and adopted by the City Council as the governing body for the City of Lexington.

Dated this 23rd day of February, 2016.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a final plat of the proposed Walnut 1st Addition, located in the general area of 1502 East Walnut Street. Peplitsch reviewed the plat details. Being no public comment received, the public hearing was closed. Resolution No. 2016-04 was presented. Moved by Miller, seconded by Roberts, to approve Resolution No. 2016-04. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION NO. 2016-04

WALNUT 1ST ADDITION

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

The plat of WALNUT 1ST ADDITION to the City of Lexington, Being a Part of the Northeast Quarter of Section 9, Township 9 North, Range 21 West of the Sixth Principal Meridian, 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 23rd day of February, 2016.

ANNEXATION: Mayor Fagot opened a public hearing to consider the annexation of Walnut 1st Addition. Peplitsch indicated the intent of the Walnut 1st Addition was to be included in the corporate limits of the City of Lexington, and statute requires action separate from the action approving the plat. He indicated there were no adverse issues known to deny the annexation request. Being no public comment the public hearing was closed. Resolution No. 2016-05 was presented. Moved by Vivas, seconded by Salem, to approve Resolution No. 2016-05. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2016-05

**WALNUT 1st ADDITION
ANNEXATION**

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

That the Walnut 1st Addition to the City of Lexington, Being a Part of the Northeast Quarter of Section 9, Township 9 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED this 23rd day of February, 2016.

PROJECT: Peplitsch presented plans and specifications for the 2016 CIS Improvements project and requested authorization to solicit bids. He noted this project is intended to improve water, storm water, street, and handicap access facilities along 6th and 8th Streets from Lincoln to Harrison Streets. Moved by Miller, seconded by Salem, to approve plans and specifications for the 2016 CIS Improvements project, and to authorize the solicitation of bids. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #3 from Paulsen Inc. for the Northwest 3rd Addition Phase 2 Improvements project in the amount of \$59,672.69. He noted this request represents the installation of sanitary and storm sewer lines and the paving is schedule to begin in early spring. Following the update, moved by Salem, seconded by Vivas, to approve Pay Request as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Miller, to enter into executive session at 6:00 p.m. to discuss pending litigation. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

Moved by Miller, seconded by Vivas, to enter into open session at 7:01 p.m. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch noted that the Adams Street reconstruction project is scheduled to begin February 29th and is anticipated to be complete by the end of 2016.

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.

City Clerk