

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

A Regular Meeting of the Lexington City Council was held Tuesday, Tuesday, July 23, 2019, at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, Steve Smith and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Community Development Director Bill Brecks, Finance Director Barb Hodges, and City Clerk Pamela Baruth. The press was represented by 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 7-9-19:** Minutes of the Regular meeting held Tuesday, July 9, 2019, were presented. Moved by Roberts, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**MINUTES – WORK SESSION 7-13-19:** Minutes of the Work Session held Saturday, July 13, 2019, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,913,963.03 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Smith, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$222,210.63 from General Fund, \$47,183.87 from Street Fund, \$24,085.79 from Housing Reuse, \$1,523,551.87 from LEXUS, \$33,706.73 from Sanitation, \$24,599.74 from Ambulance, \$34,116.60 from Health Fund, and \$4,507.80 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
July 23, 2019**

AFLAC	Premiums	1,404.44
Amwell	WWTP / Inspection	3,893.99
Associated Supply Company Inc	AC / Pump	756.99
Atlas Copco	WWTP / Repairs	4,169.00
Baker & Taylor	LB / Books	224.52
Bank of America		
4 Imprint	PK / Jackets	539.09
40th Annual EMS Conference	AMB / Registration	200.00
Amazon	CT / PK / Supplies	1,870.88

American Chamber of Commerce	CM / NE HR Manual	260.00
Casey's General Store	PD / WWTP / Fuel / Portable Pumps	557.92
Cinex TryPartners Coop	PD / Fuel	23.60
Graduate Lincoln	CT / Lodging	262.00
Hampton Inn & Suites	CM / Lodging	188.00
Hoparazzi	PK / Youth Tennis Supplies	187.89
Nebraska Water Environment Assn	WWTP/Conference/Certification Renewal	180.00
Office Depot	GGC / Computer Equipment	145.15
Parts Town, LLC	WR / Ice Machine Nozzles	13.83
Sam's Club	ND / Supplies / Rebate	159.63
The Pink Palace	CM / Conference Meals	7.67
United States Postal Service	CM / WR / Postage / Mailings	264.45
Barkmeier, Amanda	Electric Rebate	1,650.00
Bauer Built Tires	ST / Tire Repair	222.00
Bliven, Mark	Electric Rebate	1,325.00
Blue Cross Blue Shield of NE	AMB / Refund	456.90
Bob's True Value	PK / Parts / Supplies	409.46
Bourn, Pam	Electric Rebate	800.00
Cash-Wa Distributing	ND / OC / PK / ST/ Supplies	3,448.85
Cengage	LB / Books	173.33
Center Point Large Print	LB / Books	180.36
Central Community College	PD / Heartsaver Class	67.00
Chesterman Coca-Cola	PK / Beverages	950.40
Country Partners Coop	ST / Insecticide	201.50
Dawson Pest Control	AC / FD / GGC / OC / Pest Control	211.60
DELL	CM / Computer Parts	378.00
Dutton-Lainson Co	EL / Meter Sleeves	110.94
Downey Drilling	WR / Repairs to Well #10	129.73
Eakes	LB / Supplies	294.98
Electrical Engineering & Equipment	EL / Parts	412.07
Fagot Refrigeration & Electric	SW/WR/Repairs/Well 18&17/Lift Station	393.14
Fastenal	ST / Supplies	30.18
Fuentes-Orantes, Maura	Electric Rebate	800.00
Grinnell Mutual	AMB / Refund	504.18
Health Claims	Claims	26,058.30
Heldt McKeone & Copley	Legal Expense	472.50
Hiland Dairy Foods	MOW / Dairy Products	364.05
Holbein, Dahlas D	AMB/FD/Truck Maintenance/Cleaning	1,500.00
HNB Properties LLC	Electric Rebate	5,300.00
Holms Plbg & Htg Supply Co	PK/SW/Sprinkler Parts/Sump Pumps	1,145.60
Hydro Optimization&Automation Solutions	WWTP / Pump Repairs	3,087.00
IGS Solar	Solar Power Purchase	56,638.84
Ingram Library Services	LB / Books	988.22
John Deere Financial	CEM/PK/ST/WWTP/Repairs/Parts	1,847.88
Johnny on the Spot	CEM / PK / Rentals	375.00
Kearney Powersports	PK / Tires	297.80
Kuecker, Kylee	Electric Rebate	5,850.00
Lexington Animal Clinic	Animal Care	721.00
Lexington Utilities	Utilities	39,410.94
Lexington, City Street Department	Fuel	2,532.75
Lexington, City of	Interdepartmental / AMB Wages	21,792.35

Lexington, City Payroll Account		
Payroll	Wages	188,119.07
Social Security	Employer Portion / FICA Med	14,105.91
Union Bank & Trust	Employer Portion / Pension	4,761.50
Union Bank & Trust	Police Pension	3,068.77
ICMA	City Manager Pension	934.52
Lexington Newspapers	Publications	1,277.50
Little Caesars	AC / Swim Meet Concessions	354.00
Madeline's Café & Bakery	CC / Meeting Meal	21.25
Majestic Theatre	ND / Advertising	225.00
Matheson Tri-Gas	AMB / Medical Supplies	56.98
McCracken, Jared	Electric Rebate	800.00
McKesson Medical	AMB / Medical Supplies	1,407.67
Mead Lumber	PK / ST / WR / Supplies	229.49
MicroFilm Imaging Systems	LB / Repairs / Parts	613.09
MicroMarketing	LB / Books	3,067.82
Miller & Associates	Admin / PK / Professional Fees	1,403.00
Municipal Supply	WR / Fire Hydrant Repair	2,906.08
Nebraska Public Power District	Power Purchase	1,041,279.38
	O & M	216,966.74
Nebraskaland Tire	CEM/FD/Battery/Oil Change/Tires	1,115.57
OCLC	LB / Monthly Backup	141.55
Paulsen Inc	ST / Limestone	1,925.87
Platte Valley Auto Mart	PD / Vehicle Maintenance & Repair	1,510.78
Platte Valley Excavating	ST / Haul Debris	1,375.00
Platte Valley Glass & Trailers	PD / Rock Chip Repair	50.00
Plum Creek Market Place	MOW / Food	37.41
Precision Detail	FD / Cleaning	240.00
Principal	Dental Premium	3,637.86
Publishers Prime	LB / Books	50.35
Reeves, Wayne	Electric Rebate	800.00
Rivas, Simon	Electric Rebate	800.00
S & W Auto Parts	ST / SW / Parts	220.51
Sandry Fire Supply	FD / Gear Cleaner	87.50
Sauer, Daniel	Electric Rebate	800.00
Service Master of Mid Nebraska	EL / GGC / OC / Janitorial Services	85.25
Sonthona, Khamala	Electric Rebate	1,325.00
Sosa, Hector	Electric Rebate	925.00
Standard Insurance Company	Life Insurance Premiums	997.29
Sund, Dennis	WWTP / Fuel Purchase	143.12
The North Platte Telegraph	ND / Subscription	309.75
TL Sund Constructors Inc	ST / Repairs to Storm Sewer	417.90
TO Haas Tire Co	PD / PK / Tires / Tire Repairs	151.39
Tyler Technologies	EL/Notification Calls/Transaction Fees	1,495.90
US Foods	MOW / Food & Supplies	2,069.66
Werner's Sprinklers	FD / Service Call	47.50
Axxent	ST / Roof Repairs	393.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
BSN Sports	PK / Tennis Nets	394.98
Cash-Wa Distributing	AC/MOW/Concessions/Food/Supplies	1,618.45
Chesterman Coca-Cola	AC / PK / Beverages	432.00

Comfort Inn	PD / Lodging	166.00
Dan's Sanitation	Sanitation Services	33,706.73
Davis Energy	Fuel / Diesel	5,923.04
Eakes Office Solutions	ST / Copier Expense	154.22
Fagot Refrigeration & Electric	LB / Repairs	374.76
Hach	WWTP / Testing Supplies	644.53
Health Claims	Claims	6,653.86
Lexington, City of	Franchise Fees	89,787.67
Lexington, City Street Department	Fuel	4,192.58
McCracken, Jared	Electric Rebate	525.00
Mead Lumber	ST / Lumber	128.03
Meritain Health	Self-Funding	28,120.58
Midland Scientific	WWTP / Testing Supplies	1,211.92
Miller & Associates	ND / PK / Professional Services	3,567.85
Municipal Supply	WR / Drill Machine Kit	3,023.83
Nebraska Environmental	ST / Street Sweeper Parts	633.80
Nebraska Health & Environmental Lab	WR / Testing	157.00
Nebraskaland Tire	WR/WWTP/Tire Repair/Oil Change	531.31
Peque Roofing Inc	Owner Occupied Rehab Work	24,085.79
Platte Valley Seamless Gutter	PK / Gutter Repair	945.00
Richardson Mowing	LB / Mowing	180.00
S & W Auto Parts	CEM / PD / Mower Battery / Antifreeze	83.66
The EZ Street Company	ST / Supplies	2,238.88
US Foods	MOW / Food	565.15
Verizon Wireless	Cell Phone Service	398.78
Village Uniform	GGC / Supplies	127.84
VSP / Vision Service Plan	Premiums	1,078.09
Weathercraft Companies	GGC / Roof Repair	487.24
Wal-Mart	AC/GGC/LB/PK/ST/WR/Supplies	1,032.63
	<b>TOTAL CLAIMS:</b>	<b>1,913,963.03</b>

**FINANCIAL REPORT:** Moved by Salem, seconded by Vivas, to accept the financial report for June 2019. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Groves by Riverside LLC for a campground at 3016 Plum Creek Parkway. Brecks reviewed the plan for 10 available lots, zoning requirements, and comprehensive plan compliance as deemed by the Lexington Planning Commission. Steven Fokken, Groves by Riverside LLC, stated they are working with Nebraska DEQ on state requirements. There being no public comments, the public hearing was closed. Peplitsch and Copley reviewed a draft CUP agreement. Following discussion, moved by Vivas, seconded by Smith, to approve the Conditional Use Permit application as presented and to authorize execution of CUP agreement. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a redevelopment plan amendment for Redevelopment Area #1 related to Lot 2 of Goodwill Industries of Greater Nebraska, Inc. Subdivision. Peplitsch reviewed a project by Lex Lodging LLC for an 80-room hotel with associated parking and access. He stated TIF funding of \$1.8 million would assist the developers with eligible costs to include site acquisition and preparation, utility extensions, professional fees, and infrastructure. He noted the CDA and Planning Commission have reviewed the amendment and each

board has recommended approval. The project would be finalized by the CDA, following Council approval. There being no public comments, the public hearing was closed. Resolution No 2019-11 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2019-11. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2019 - 11**

(Amendment to the Redevelopment Plan and Cost-Benefit Analysis –  
Lex Lodging Redevelopment Project)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #1 IN THE CITY OF LEXINGTON, NEBRASKA AND A COST-BENEFIT ANALYSIS FOR THE LEX LODGING REDEVELOPMENT PROJECT.**

WHEREAS, the Redevelopment Plan for Redevelopment Area #1 (the “Redevelopment Plan”), which covers certain portions of the City of Lexington, Nebraska that have been declared blighted and substandard and in need of redevelopment (the “Redevelopment Area”), was adopted by the City Council of the City of Lexington on April 8, 2003, pursuant to Resolution 03-03;

WHEREAS, an Amendment to the Redevelopment Plan (the “Amendment”) for the Lex Lodging, LLC Redevelopment Project (the “Project”) has been prepared pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101, et seq. (the “Act”) to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions (the “Project Site”), which is attached as Exhibit “A” and incorporated by this reference;

WHEREAS, the Project will use tax increment financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain public improvements on the Project Site, as more particularly described in the Amendment;

WHEREAS, the Community Development Agency of the City of Lexington, Nebraska, as required under Section 18-2113(2) of the Act, has conducted a Cost-Benefit Analysis for the Project, which is attached as Exhibit “C” to the Amendment;

WHEREAS, on July 23, 2019, a meeting of the City Council of the City of Lexington, Nebraska was held at the Lexington City Council Chambers, 406 E 7th Street in Lexington, Nebraska in order to conduct a public hearing to determine whether the Amendment and the Cost-Benefit Analysis should be approved;

WHEREAS, a notice of public hearing was published for at least two (2) consecutive weeks, the last of which was at least ten (10) days prior to the time and date of the public hearing, which notice of public hearing described the time, date, place and purpose of the hearing;

WHEREAS, the City Council of the City of Lexington reviewed and discussed the recommendations received from the Planning Commission;

WHEREAS, the City Council has duly considered all statements made and materials submitted related to the submitted questions;

WHEREAS, the Amendment clarifies the scope of the Redevelopment Plan and incorporates the Project into the Redevelopment Plan and into compliance with the Act;

WHEREAS, Statements of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenue from its disposal to redevelopers, the proposed method of financing the redevelopment project, and a feasible method proposed for the relocation of families to be displaced from the redevelopment project area, if applicable, are set forth in the Amendment and the Cost-Benefit Analysis;

WHEREAS, the Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to Section 18-2109 of the Act;

WHEREAS, the amended Redevelopment Plan 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;

WHEREAS, the Amendment is feasible and 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;

WHEREAS, the Project would not be economically feasible without the use of tax increment financing and would not occur in the Redevelopment Area without the use of tax increment financing;

WHEREAS, the costs and benefits of the Project, including the costs and benefits to other affected political subdivisions, the economy of the City of Lexington, and the demand for public and private services are in the long-term best interest of the City of Lexington; and

WHEREAS, pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the City Council desires to approve the Amendment and the Cost-Benefit Analysis.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lexington, Nebraska, does hereby approve and adopt the Amendment and the Cost-Benefit Analysis.

**DATED THIS 23<sup>rd</sup> day of July, 2019.**

**INTERLOCAL AGREEMENT:** Pepplitsch reviewed an amended interlocal agreement for dispatching services, noting minor changes related to administration of services. Following discussion, moved by Roberts, seconded by Vivas, to approve the amended interlocal agreement as presented and to authorize execution. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Pepplitsch stated Staff is working on a draft budget and dates for hearings will be sent to Council soon. He also stated a subdivision and annexation of recently purchased property will be reviewed by the Planning Commission at their next regular meeting and will come before the Council in August. He gave a brief update on storm cleanup effort.

**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