

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
August 9, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, August 9, 2022, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, and Steve Smith, Jeremy Roberts. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges and City Clerk Pamela Baruth. The press was represented by the 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 7-26-2022: Minutes of the Regular meeting held Tuesday, July 26, 2022, 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 \$862,507.31 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 \$330,562.79 from General Fund, \$38,564.11 from Street Fund, \$351,747.42 from LEXUS, \$40,000.00 from Sanitation, \$3,095.45 from Ambulance, \$93,208.96 from Health Fund, and \$5,328.58 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
August 9, 2022**

ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	17,418.05
B & H Services / Service Master	EL / OC / Cleaning Service	5,470.17
Baker & Taylor	LB / Books	428.68
Black Hills Energy	Natural Gas Service	222.62
Bound Tree Medical LLC	AMB / Medical Supplies	268.94
Cash-Wa Distributing	MOW / Food & Supplies	1,058.69
Cengage Learning	LB / Books	104.20
Chesterman Company	AC / Beverages	168.00
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	240.73
City of Lexington / Landfill	Annual Landfill Fund Transfer	30,000.00
City of Lexington / Street	Fuel	13,948.42
	SW/WR/Interdepartmental Service Fees	6,876.23
	Paving Assessment / 2016-1 & 09-02	60,000.00

Community Development Agency	Annual Funding	50,000.00
Core & Main LP	WR / Meters	1,460.53
Country Partners Cooperative	PK / ST / Herbicide	513.75
County of Dawson - Register of Deeds	Filing Fees	22.00
Dan's Sanitation	Sanitation Fees	14,563.96
First Interstate Bank	LB / Petty Cash	238.20
GB Auto Service Inc / TO Haas	PD / PK / Tires / Repairs	824.72
Global Industrial Equipment Company Inc	WWTP / Baldor Reliance Motor	1,234.99
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Company	WWTP / Lab Supplies	496.67
HD Supply Facilities Maintenance LTD	WWTP / Polarographic Sensor	209.41
Health Claims	Claims	71,648.31
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	314.41
Holbein Lawn Service	FD / Abatements / Lawn Care	220.00
Homeier Ventures Inc / Bob's True Value	PK / Supplies	13.99
Ideal Laundry & Cleaners Inc	Rug Service	816.82
Intellicom Computer Consulting Inc	Tech Support / Software	5,508.93
Intermedia.com	Web Phone Charges	283.01
Jones Plumbing & Heating Inc	PK / Parts	127.68
LEE BHM / Lexington Clipper Herald	Publications	1,133.10
Lexington Area Solid Waste Agency	Special Waste Disposal	1,273.92
Lincoln Winwater Works Company	SW / 4" Pipe	1,265.88
Matheson Tri-Gas Inc	AMB / Medical Oxygen	39.95
Mead Lumber	GGC / PK / Hardware / Tools	60.05
Midland Scientific Inc	WWTP / Lab Supplies	1,263.15
Mid-State Engineering & Testing Inc	WWTP/Svcs/Wastewater Facility Imp	1,894.50
Mid-States Automation & Control Inc	OC / Preventative Maintenance / Q2	1,125.00
Midwest Laboratories Inc	WWTP / Lab Supplies	13.00
Miller&Associates Consulting Engineers	PK / Professional Services / Splash Pad	8,967.95
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc	GGC / Newsletter	130.08
Nebraska Dept of Revenue	Sales and Use Tax	68,464.18
Nebraska Water Experts / Culligan	Soft Water Supplies	422.09
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	131.48
One Stop LLC / Mac's Short Stop	AC / REC / Concessions	314.89
O'Reilly Auto Parts	ST / Parts	2.98
Overton Golf Club	REC / 2022 Youth Golf Camp	170.00
Paulsen Inc	PK / Limestone / Splash Pad	272.00
Phillips, Jim / Jim Phillips Construction	ST / WR / Repairs	14,170.00
Platte Valley Auto Mart Inc	PD / Oil & Lube / Repairs	2,012.71
Platte Valley Communications	Batteries/Audio Equip/Maint/Repeater	1,522.56
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00
Precision Detail / Julie Thalman	FD / Firehall Cleaning Service	300.00
Pro Team Design Inc	REC / Baseballs	137.97
Rentokil NA / Presto-X	WWTP / Pest Control	56.00
Richardson, Calvin N/Richardson Mowing	LB / Lawn Care	300.00
Roemmich, Austin	AMB / Record Keeping	250.00
S & W Auto Parts	PK / WWTP / Oil / Parts	105.74

Schwarz, Mataya/Madeline's Café&Bakery	CM / Meeting Meal	83.73
TEXTMYGOV	22-23 Software Management / Support	3,500.00
Titan Machinery Inc - Lexington	ST / Equipment Filters	65.07
Travelers - RMD	AMB/FD/Worker's Compensation Ins	3,252.00
Turbo Technologies Inc	PK / ST / 300 Gallon Hydroseeder	7,040.00
US Foods	MOW / Food & Supplies	1,420.83
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	474.60
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
Walmart	AC / GGC / LB / REC / ST / Supplies	834.26
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Western Nebraska Improvements	ND / Replace Mechanical Room Door	5,744.00
Wilkins Architecture Design Planning	PK / Services / Veteran's Pavilion	3,657.68
Allen Trench Safety Corporation	WR / Trench Box	5,076.72
American Future Systems Inc	CT/HR Morning.com/Digital Newsletter	299.00
Cash-Wa Distributing	MOW / Food & Supplies	1,166.31
Chesterman Company	MOW / Beverages	84.00
Country Partners Cooperative	REC / Propane	14.95
Citibank NA / CNH / Titan Machine	ST / WWTP / Parts / Repairs	7,147.39
Danko Emergency Equipment Co	Replace Equipment/Cleaning Solution	1,456.48
Davis Energy	FD / ST / Fuel / Fuel Purchase	7,718.55
Dawson Public Power District	Power Purchase	87.95
Fagot Refrigeration & Electric Inc	GGC/PD/WWTP/Service Calls/Repairs	550.00
Fastenal Company	ST / Supplies	52.13
Galls Parent Holdings LLC	PD / Uniform Expense	68.76
GB Auto Service Inc / TO Haas	CEM / PD / PK / Tire Repair	69.57
Health Claims	Claims	21,560.65
Heritage Landscape Supply Grp/REAMS	PK / Sprinkler Parts	447.82
Homeier Ventures Inc / Bob's True Value	PK / Supplies	12.99
Invest Plus / Plum Creek Market Place	MOW / Food	63.37
J & A Traffic Products	ST / Signs	357.30
John Deere Financial / Orscheln	Supplies/Parts/Hardware	1,047.12
Jones Plumbing & Heating Inc	WR / Parts	168.56
LEE BHM / Lexington Clipper Herald	Publications	19.68
Lexington, City Payroll Account		
Payroll	Wages	180,554.07
Social Security	Employer Portion / FICA Med	13,520.17
Union Bank & Trust	Employer Portion / Pension	5,284.55
Union Bank & Trust	Police Pension	3,361.80
ICMA	City Manager Pension	1,001.92
Mead Lumber	PK / ST / Supplies / Tools	50.77
Melson, Dane / Anytime Fitness	Fitness Memberships	209.94
Miller&Associates Consulting Engineers	Pro Services/Wastewater Facility Imp	96,282.55
Morris Printing Group Inc / Morris Press	LB / Supplies	38.74
Municipal Pipe Services	WR / Valve Repair / 13th & Lincoln	10,500.00
Municipal Supply Inc	WR / Hardware	4,019.76
Nebraska Tech & Telecommunications Inc	Phone Service / Long Distance	1,328.59
Paulsen Inc	CEM / ST / Limestone / Gravel	1,792.68
Platte Valley Auto Mart Inc	ST / Repairs / Oil & Lube	291.39
Platte Valley Laboratories Inc	WWTP / Lab Supplies	575.00
Quadient Finance USA Inc	Postage Meter / Funds	3,000.00
Rentokil NA / Presto-X	LB / Pest Control	93.00

S & W Auto Parts	PK / Supplies	16.48
US Foods	MOW / Food & Supplies	779.59
Vogel West Inc/Diamond Vogel-McCook	ST / Painting Tips	126.90

TOTAL CLAIMS: 862,507.31

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a blight and substandard study for proposed Redevelopment Area #6. Peplitsch reviewed the study, noting that the Planning Commission recommended approval. There were no public comments, and the public hearing was closed. Following discussion, Resolution No. 2022-17 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2022-17. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2022 - 17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA DECLARING A CERTAIN AREAS TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED

Recitals

- a. It is necessary, desirable, advisable, and in the best interests of the City of Lexington, Nebraska (the “City”), to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and
- b. 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
- c. Section 18-2109 of the Act requires that, prior to the preparation by the Community Development Agency of the City of a redevelopment plan for a redevelopment project, the Mayor and Council shall, by resolution, declare the area to be blighted and substandard; and
- d. On August 9, 2022, at 5:30 p.m., the Mayor and Council of the City held a public hearing (the “Public Hearing”) in the Council Room at the Lexington City Hall, 406 East 7th Street in the City, to determine whether that certain area more fully described below (the “Redevelopment Area”) should be declared blighted and substandard and in need of redevelopment as required by the Act; and
- e. Notice of the Public Hearing was published in *The Lexington Clipper-Herald*, a legal newspaper of general circulation in the City, on July 16, 2022, and July 23, 2022, which notice described the time, date, place and purpose of the Public Hearing and advised where a copy of a substandard and blighted study was available for public inspection and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

f. On or before July 15, 2022, such date being at least 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Certified Mail, return receipt requested, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and advised where a copy of a substandard and blighted study was available for public inspection; and

g. The Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and Council reviewed and discussed a Redevelopment Area Substandard/Blight Survey (the “**Study**”) prepared by The Hanna: Keelan Associates, P.C. a copy of which is attached hereto as **Exhibit “A”**; and

h. The Mayor and Council submitted the question of whether the Redevelopment Area was blighted and substandard and in need of redevelopment to the Planning Commission of the City for its review and recommendation and on August 3, 2022, and the Mayor and Council reviewed and discussed the recommendations received from the Planning Commission; and

i. The Mayor and Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

Resolved that:

1. The Redevelopment Area is hereby declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(31) of the Act, as described and set forth in the Study. The Redevelopment Area is more particularly described as follows on **Exhibit “B”**.

2. The Redevelopment Area is hereby further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(3)(a) of the Act and (b) at least one of the factors set forth in (i) through (iv) of Section 18-2103(3)(b) of the Act, as described and set forth in the Study.

3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

5. This Resolution shall be published and shall take effect as provided by law.

DATED: August 9, 2022.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the proposed R. Perry Construction Inc. redevelopment plan for a project in Redevelopment Area #1. Pepplitsch reviewed the plan that includes three 30-unit apartment buildings, a clubhouse/fitness center and pool. There were no public comments, and the public hearing was closed. Resolution No. 2022-18 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2022-18. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2022-18

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, ADOPTING AND APPROVING A REDEVELOPMENT PLAN ENTITLED, "Amendment to the Redevelopment Area #1 Redevelopment Plan (The R. Perry Construction, Inc. Redevelopment Project)".

WHEREAS, pursuant to the Nebraska Community Development Law, Nebraska Revised Statutes Sections 18-2101 et. seq. (the "Act"), the Mayor and City Council of the City of Lexington, Nebraska (the "City"), designated a portion of the City, commonly referred to as “Redevelopment Area #1”, as blighted, substandard, and in need of redevelopment under the Act; and

WHEREAS, the Mayor and City Council finds based on substantial evidence in the record of this proceeding that redevelopment of Redevelopment Area #1 will result in the elimination and prevention of blight and aligns with the purposes of the Act and the City’s comprehensive plan for land use and development (the “Comprehensive Plan”); and

WHEREAS, attached hereto as Exhibit "A" is a proposed amendment to the general redevelopment plan previously adopted and approved for Redevelopment Area #1, entitled, “Amendment to the Redevelopment Area #1 Redevelopment Plan (The R. Perry Construction, Inc. Redevelopment Project)” (the "Redevelopment Plan"), which sets forth a specific redevelopment project pertaining to a portion of Redevelopment Area #1 (the “Redevelopment Project”); and

WHEREAS, in conformance with the Act, the Planning Commission of the City held a duly noticed public hearing on the Redevelopment Plan on August 3, 2022, and provided written findings on and recommended the Mayor and City Council's adoption and approval of the Redevelopment Plan; and

WHEREAS, in conformance with the Act, on August 8, 2022, the Community Development Agency of the City (the “Agency”) provided written findings on and recommended the Mayor and City Council's adoption and approval of the Redevelopment Plan; and

WHEREAS, on August 9, 2022, the Mayor and City Council held a duly noticed public hearing on the Redevelopment Plan, in conformance with the Act; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and City Council determined that the Redevelopment Plan complies with the Comprehensive Plan of the City and will result in the elimination and prevention of blight; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and City Council determined that the Redevelopment Project contemplated in the Redevelopment Plan would not occur and would not be economically feasible without the use of tax-increment financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Redevelopment Plan attached as Exhibit "A" complies with, and furthers the objectives of, the Comprehensive Plan of the City.

Section 2. Based on the substantial evidence in the record of this proceeding, the Mayor and City Council finds as follows:

(a) The proposed land uses and building requirements for the Redevelopment Project as described in the Redevelopment Plan are designed with the general purpose of accomplishing, in conformance with the City's Comprehensive Plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Redevelopment Plan adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage 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 elimination of, or prevention of the recurrence of, insanitary or unsafe dwelling accommodations or conditions of blight.

(b) The Redevelopment Plan contains a satisfactory statement of the proposed method and estimated costs of the Redevelopment Project; that no public improvements are required to be provided except as set forth in the Redevelopment Plan with respect to the Redevelopment Project; that there are no estimated proceeds or revenue expected to be obtained by the City from disposal of property to the redeveloper except as set forth in the Redevelopment Plan; that the Redevelopment Plan sets forth a satisfactory method of financing for the Redevelopment Project consisting of direct payment for public improvements or grant assistance to the redeveloper for the Redevelopment Project, as designated in the Redevelopment Plan, which method of financing is the issuance by the City of its tax increment revenue bond to provide funds to pay for the costs of certain eligible improvements by grant assistance, and that there are no families currently living within the site of the Redevelopment Project, as set forth in the Redevelopment Plan, which are currently expected to be displaced from such area as a direct result of the Redevelopment Project.

(c) The cost-benefit analysis prepared in conjunction with the Redevelopment Plan and attached thereto sets forth the factors required under section 18-2113 of the Act and supports the Mayor and City Council's adoption and approval of the Redevelopment Plan.

Section 3. The Redevelopment Project set forth in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing; would not occur without the use of tax-increment financing; and 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 Mayor and City Council and have been found to be in the long-term best interest of all those impacted by the Redevelopment Plan.

Section 4. Based on the foregoing and substantial evidence in the record of this proceeding, the Mayor and City Council hereby approve and adopt the Redevelopment Plan.

PASSED AND ADOPTED THIS 9TH DAY OF AUGUST, 2022.

VETERANS PAVILION: Peplitsch reviewed bids received for the Veterans Pavilion at Kirkpatrick Memorial Park project. He stated that Staff recommends awarding the contract to Lacy Construction Co. with the low bid of \$1,160,000. Following discussion, moved by Roberts, seconded by Smith, to accept the project bids and to award a contract to Lacy Construction with the alternate deduct. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

ROUNDTABLE: Peplitsch reminded Council and Staff of the Work session scheduled for Saturday, August 13, 2022, at 8:00 a.m.

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