

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 24, 2007, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, Joni Bennett, Linda Miller, and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy City Clerk Pam Berke. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of the Clipper-Herald. Other concerned citizens included Sean Evans, Sheila Evans, Dale Mooberry, Bill Dittmer, and Mike Bacon.

**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 Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 7-10-07** Minutes of the Regular meeting held Tuesday, July 10, 2007, were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion Carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$350,502.52 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$165,671.98 from the General Fund, \$22,851.76 from TIF, \$4,166.67 from ED Reuse, \$1,575.00 from Housing Reuse, \$97,703.03 from LEXUS, \$23,687.34 from Sanitation, \$222.84 from Ambulance Fund, \$28,162.23 from Health Fund, and \$6,461.67 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
July 24, 2007

All Points Cooperative	Propane	20.00
Alltel	Cellphone Service	52.15
Anderson Graphics	Library Supplies	17.50
Beringer Ciaccio Dennell Mabrey	GGC Architect	621.33
Bob's Auto Repair & Service	Central Garage Supplies	227.72
Business Card	Conference/Seminars	120.00
Card Center/Orscheln	Supplies	42.76
Cash-Wa Distributing	Food & Supplies	4,315.92
Central Garage Fund	Repairs/Service	8,277.62
Coca Cola/Dr. Pepper of Kearney	Beverages	608.00

Conney Safety Products	Pool/ST Supplies	205.50
Demco	Library Supplies	141.31
Dunn, Sheela D	Utility Refund	68.39
Eilers Machine & Welding	WWTP Supplies	690.00
Electric Fixture	WWTP/EL/ Supplies	36.04
Eustis Body Shop	Repairs	591.20
Fagot Refrigeration & Electric	Repairs/Service	2,269.89
Farmer Brothers Coffee	Food	242.87
Fisher Scientific	WWTP Supplies	610.41
Fox Bros. Hay Co., Inc.	Tree Grinding	5,109.33
Gale Group, The	Books	66.21
H. W. Wilson Company, The	Book	152.25
Health Claims Fund	Claims	14,811.41
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Husker Ag Sales	Cntrl Garage/Cem. Spls	761.95
International Institute of Municipal Clerks	Membership Dues	140.00
International Code Council	Books	66.50
Ingram Library Services	Books	829.65
Kapco	Library Supplies	69.09
Laurie Carlson & Associates, LTD	PK Equip. Repairs	1,889.96
Lexington Glass Co.	PK Supplies	28.50
Lexington Newspapers, Inc.	Publications	182.48
Lexington Truck & Auto	Central Garage Supplies	650.00
Lexington True Value	Supplies	50.01
Payroll	Wages	115,716.42
Social Security	Emplyr Prtn/FICA Med	8,621.24
First National Bank	Emplyr Prtn/Pension	2,904.19
First National Bank	Police Pension	1,498.23
ICMA	City Manager Pension	373.08
Lynn Peavey Company	Police Dept. Supplies	83.70
Mac's Short Stop	Food	101.54
Mead Lumber & Rental-Lexington	PK/ST/Cemetery Supplies	220.78
Midwest Laboratories, Inc.	WWTP Test Supplies	1,088.30
Miller & Associates	Hike/Bike Trail	13,688.11
Mr. Automotive	Central Garage Supplies	20.10
Municipal Supply	WR Supplies	597.83
National Geographic En Espanol	Subscription	29.95
National League of Cities	Membership Dues	1,377.00
Nebraska Department of HHS Laboratory	WR Testing	150.00
Nebraska Power Review Board	Annual Fees	1,052.36
Nebraska Transport	Pool Supplies	214.20
Nebraska Volunteer Fire Fighters Trust	Premium	2,031.20
Neopost	Postage	1,500.00
Osborne, Cyndi	Office Supplies	5.76
Overton Community Center	Meals On Wheels	100.00
Platte Valley Auto Mart	Central Garage Supplies	35.73
Pracht, Keith	Utility Refund	38.12
Precision Industries	WWTP Supplies	1,282.34
Progressive Business Publication	Subscription	230.00
Quill Corporation	Library Supplies	47.59
Roberts Dairy Company	Food & Supplies	179.04
S & W Auto Parts, Inc.	Central Garage Supplies	467.62
Schwan's Sales Ent	Food	89.63
Security First Bank	Wilkinson Dev TIF Pymt	22,851.76
Service Master Mid Nebraska	Library/GGC Cleaning	2,027.50
Subway Sandwiches & Salads	Food	39.89
Sunland Books, Inc.	Books	494.48

Synchronized Instruments, Inc.	WR Equip. Repair	316.40
T. O. Haas Tire Co., Inc.	Tires/Repair	564.48
Team Detail & Quicklube	Car Washes	43.98
Technical Maintenance & Service	WWTP Service/Repairs	488.96
Thompson, Kathleen	Conference/Seminars	164.90
Thompson Co., The	Food & Supplies	531.52
TierOne-Lib. Petty Cash	Postage	29.24
Tri-City Tribune	Subscription	29.50
U-Save Business Equipment	Office Supplies/Postage	113.80
Ultramax	Ammunition	876.00
Van Diest Supply Company	Insecticides/Weed Killer	2,320.00
Wal-Mart	Supplies	430.94
Ward Laboratories	Lab Tests	72.00
Wolf, Tracy	Conference/Seminars	191.40
All Points Cooperative	Fuel	52.84
Alltel	Cellphone Service	147.51
Bob's Auto Repair & Service	Vehicle Repair	372.00
Business Card	Central Garage Supplies	61.66
Card Center/Orscheln	Supplies	12.35
Cash-Wa Distributing	Food	752.14
Central Garage Fund	Repairs/Service	2,099.31
Coca Cola/Dr. Pepper of Kearney	Beverages	672.00
Dan's Sanitation	Sanitation Fees	23,687.34
Danko Emergency Equipment Co.	Fire Dept./Repair	51.15
Electric Fixture	Library Supplies	33.68
Environmental Pest Control	Building Maintenance	100.00
Fagot Refrigeration & Electric	Fire Dept./Repair	907.76
HD Supply Waterworks	15th ST WR Supplies	3,422.84
Health Claims Fund	Claims	13,350.82
Ingram Library Services	Books	191.71
International Code Council	Books	79.90
Jim Phillips Construction	Main Break Repairs	4,275.00
Juan, Leo	Electric Rebate	125.00
League of Nebraska Municipalities	EL Safety Training-2006	1,620.00
Lexington, City of	Franchise / Service Fees	54,526.51
Lexington Newspapers	Publication/Subscription	707.04
Lexington Truck & Auto	Central Garage Supplies	20.00
Lexington Utilities System	Utilities	2,848.97
Mid-Nebraska Printing	Office Supplies	4.17
Miller & Associates	Retainer Service	800.00
Municipal Emergency Services	Fire Dept. Supplies	62.54
Naumann, Sondra	Cleaning Service	102.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pymt	4,166.67
Ordonez, Santos	Electric Rebate	900.00
Oriental Trading Company, Inc.	Library Supplies	29.80
Paulsen Inc.	Concrete	243.96
Plum Creek Market Place	Food	20.03
Randy Chapman Construction	Electric Rebate	1,025.00
Recorded Books	Books	173.20
Regouby, Jack	Buyback Cemetery Space	175.00
Roberts Dairy Company	Beverages	70.23
S & W Auto Parts, Inc.	Cntrl Garage/ST Supplies	102.98
T. O. Haas Tire Co., Inc.	Central Garage/Tires	1,064.50
TierOne-City Petty Cash	Postage / Food/Supplies	58.05
U Built Homes	Electric Rebate	1,025.00
U-Save Business Equipment	Postage	3.17
Wal-Mart	Supplies	52.18

Ward Laboratories	Lab Tests	12.00
Water Safety Products, Inc.	Pool Supplies	147.75
	<b>TOTAL CLAIMS:</b>	<b>350,502.52</b>

**ORDINANCE:** Sean Evens, an Eagle Scout candidate, appeared before the council to explain a project to erect bat houses in the city parks to assist in mosquito control. Weinhold commented that currently the city code prohibits harboring unusual animals. Following Evans' presentation and further discussion, an ordinance entitled "**AN ORDINANCE TO AMEND SECTION 5-5 OF THE LEXINGTON CITY CODE; TO ALLOW INSTALLATION OF BAT SHELTERS IN PUBLIC PARKS; TO REPEAL ORIGINAL SECTION 5-5 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM**" was read by title. Moved by Salem, seconded by Miller, to suspend rules requiring three separate readings of the ordinance. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2236 was read by title. Moved by Miller, seconded by Salem, to pass Ordinance No. 2236 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened the Public Hearing to consider a CDBG Housing Reuse application from ABLE to be used in an educational housing construction project. Peplitsch explained that ABLE and the Lexington School District will be constructing a home in the CED addition with the requested \$90,000. Fagot closed the Public Hearing. Following discussion, moved by Miller, seconded by Salem, to approve Housing Reuse Loan to ABLE for the 2007-2008 school project, in the amount of \$90,000. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened the Public Hearing to consider an application from Fraternal Order of Eagles 2922 to extend their liquor license to include a beer garden to the north of the licensed establishment. Dale Mooberry, manager of the Eagles Club, explained the beer garden would be north and west of the existing building and would be enclosed by a privacy fence. Discussion of what type and height of privacy fence followed. The Public Hearing was closed. Motion by Salem, seconded by Tomasek, to approve the extension of the liquor license for the Fraternal Order of Eagles 2922 to include a beer garden with City staff approval of the fencing design and material. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened the Public Hearing to consider a Redevelopment Plan for Redevelopment Area #5. Mike Bacon reviewed the plan with the Council. Peplitsch highlighted the findings and noted that a Redevelopment Contract for the CED addition will be forthcoming. Following comments and questions, the Public hearing was closed.

Resolution No. 07-23 was read by title. Moved by Tomasek, seconded by Salem, to approve Resolution No. 07-23. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**RESOLUTION NO 07-23**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING REDEVELOPMENT AREA # 5 REDEVELOPMENT PLAN AND MAKING FINDINGS WITH REGARD TO SUCH PLAN.

WHEREAS, the City of Lexington, Nebraska a municipal corporation has determined it to be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, The City has previously declared an areas of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, The Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority"), has prepared a Redevelopment Plan [Redevelopment Area #5 Redevelopment Plan] pursuant to Section 18-2111 of the Act: and

WHEREAS, the Lexington Planning Commission reviewed the Redevelopment Plan pursuant to the Act and, pursuant to Section 18-2114 of the Act, recommended approval of the Redevelopment plan to the City; and

WHEREAS, following consideration of the recommendations of the Planning Commission to the City, the Mayor and City Council held a public hearing on July 24, 2007, pursuant to notice as required by law; and

WHEREAS, there has been presented for approval a specific Redevelopment Project and Redevelopment Plan;

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lexington, Nebraska:

1. The Redevelopment Plan as contained in the form attached to this Resolution as Exhibit A is hereby determined to be feasible and in conformity with the general plan for the development of the City of Lexington as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act;
2. The Mayor and City Council specifically find, as follows:
  - (a) The projects described in the redevelopment contract and plan attached thereto, would not be economically feasible without the use of tax-increment financing;
  - (b) The projects would not occur in the Redevelopment Area without the use of tax-increment financing; and
  - (c) The costs and benefits of the 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 interests of the community impacted by the project.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the redevelopment project specified in the plan, namely

Lots 1-22 CED Addition to the City of Lexington, Dawson County, Nebraska, shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2008.

a. That portion 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 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 portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

5. The execution and delivery to the County Treasurer and Assessor, the Notice of Allocation of Taxes which is attached hereto and marked as Exhibit B, is hereby ratified and confirmed.

Passed and approved this 24th day of July, 2007

CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**PAY REQUEST:**

Peplitsch requested approval of Pay Request # 1 from Liquid Waste Management Inc. for payment on the Secondary Digester Project. Following an update of the project by Peplitsch, moved by Tomasek, seconded by Bennett, to approve Pay Request #1 from Liquid Waste Management Inc. in the amount of \$54,245.70 for the Secondary Digester project. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**FINANCIAL REPORT:**

Peplitsch presented the financial report for June 2007. Following discussion, moved by Miller, seconded by Bennett, to accept the financial report as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch reported that funds from FEMA/NEMA were received July 24, 2007, for storm damages from December 2006. He also stated that the city received a check in the amount of \$18,800 for workman compensation dividends loss ratio.

Burnside stated that the street clock has been repaired and reinstalled at the Courthouse. He also noted that the Historical Lighting project is now complete with the traffic lights at Sixth and Grant Streets in service. The Grand Generation Center will be hosting an open house on September 11, 2007, for the new addition.

Weinhold noted that Eagle Scout projects have generally been approved by the council in the past by motion. Motion by Miller, seconded by Bennett, to amend the July 24, 2007 Council agenda to include approval of placement of bat houses in the city parks by Sean Evans as an Eagle Scout project. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

Motion by Miller, seconded by Salem, to approve the placement of bat houses in the city parks by Sean Evans as an Eagle Scout project. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

Miller noted there will be a meeting between representatives of the Optimists, the Lexington Community Foundation, and the City Parks & Recreation committee regarding changes to the Optimist Rec Complex fields.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
Mayor

Pamela Berke  
Deputy City Clerk

I, the undersigned Deputy 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.

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Deputy City Clerk