

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
December 27, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, December 27, 2022, at 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, and Finance Director Barb Hodges. 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 12-13-2022: Minutes of the Regular meeting held Tuesday, December 13, 2022, were presented. Moved by Vivas, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,030,666.72 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$256,652.34 from General Fund, \$85,911.60 from Street Fund, \$83,392.50 for Housing Reuse, \$1,469,292.31 from LEXUS, \$35,946.90 from Sanitation, \$2,354.73 from Ambulance, \$92,863.21 from Health Fund, and \$4,253.13 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
December 27, 2022**

Amazon Capital Services Inc	LB / Books / Supplies	417.64
Andrade, Hector	Electric Rebate	850.00
Arevalo, William	Electric Rebate	1,650.00
B & H Services / Service Master	Cleaning Service	5,597.00
Baker & Taylor	LB / Books	651.25
Bauer Built Tire	PK / ST / Tires / Tire Repairs	408.82
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Blackstone Audio Inc	LB / Books	34.44
Business Card / Bank of America		
Amazon.com	PK/ST/WR/ Lights/Supplies/Parts	678.91
American Water Works Association	WR / Membership Dues	348.00
Casey's General Store	CC / Meeting Meal	33.64
eBay	PD / Batteries	100.97
International Code Council	DS / Conference Fees / Harris, J	412.00

Mac's Creek	CC / Gift Card	25.00
Menard Inc	FD / Cleaning Supplies	127.24
Sam's Club	ND / Employee Banquet Supplies	191.73
Society for Human Resources	CM / Membership Dues / Baruth, P	229.00
United States Postal Service	WR / Postage	144.70
Walmart	PD/PK/Stocking Hats/Lights/Supplies	597.16
Cash-Wa Distributing	MOW / ND / OC / ST / Supplies / Food	5,302.42
Cengage Learning	LB / Books	217.89
Chesterman Company	FH / MOW / Beverages	305.00
City of Lexington	Utility Franchise Fees	92,760.09
CNH Industrial America LLC / Titan	AMB / FD / Service / Repairs	4,697.67
Complete Underground	EL/Trenching/Install UG Conduit	11,615.35
Consolidated Management Company	PD/Training Meals/Sarmiento/Schwarz	60.30
Core & Main LP	EL / WR / Meters / Radios	44,203.52
County of Dawson - Surveyor	Survey/Wycoff Addn/NW Trail Addn	3,612.50
Dan's Sanitation	Sanitation Services	35,946.90
Davis Energy	AMB/ST/Fuel/Fuel Purchase/Additive	5,479.47
Demco Inc	LB / Office Supplies	193.94
Eakes Inc	EL / DocMgmt Support	455.00
Electrical Engineering & Equipment	PK / EL / Hardware / Plugs / Conduit	864.81
Fagot Refrigeration & Electric Inc	WWTP / Heat Pump Repairs	284.36
Fastenal	ST / Tools / Supplies	253.78
First Interstate Bank	Petty Cash/Spls/Postage/Meals/Uniforms	74.09
Fremarek Inc	ST / Supplies	117.93
GB Auto Service Inc	PD/WR/Front Brake Repairs/Tire Repairs	769.81
Gibbens Tree & Lawn Service Inc	PK / Spray Lindens / Japanese Beetles	450.00
Global Equipment Company Inc	AMB / Office Equipment	132.60
Gomez, Jose	Electric Rebate	1,300.00
Hach Company	WWTP / Lab Supplies	351.22
Health Claims	Claims	63,995.45
Hiland Dairy Foods	MOW / Dairy Products	384.06
Holbein, Dahlas	Truck Maintenance/Fueling/Cleaning	1,500.00
Holmes Plumbing & Heating Supply Co	WR / Tools	84.80
Homeier Ventures LLC	AMB/PK/WWTP/Hardware/Supplies	89.50
IGS ORIX Solar I	Solar Power Purchase	23,223.26
Ingram Library Services	LB / Books	25.35
JEO Consulting Group	ND / PK / ST / Professional Services	9,440.00
Knapple, John	Electric Rebate	1,750.00
Komline-Sanderson	WWTP / Parts	1,596.19
LEE Enterprises Inc / North Platte Telegraph	LB / Annual Subscription	602.99
Lexington Health Fund	Self-Funding	59,890.80
LEXUS	Utilities	49,884.16
Majia, Eli	Electric Rebate	1,250.00
Matt Friend Truck Equipment Inc	ST / Equipment Parts	339.62
Mead Lumber	DS/PK/ST/WR/Hardware/Lumber/Spls	2,264.09
Mendez, Salvador	Electric Rebate	850.00
Meritain Health	Health Premium	32,738.36
Mid-Iowa Solid Waste Equipment Co Inc	ST / Shipping / Warranty Part	35.27
Mid-States Engineering & Testing	WWTP / Professional Services	2,108.00
Midwest Connect	EL / Postage Machine Ink / Supplies	349.90
Miller & Associates Consulting Engineers	Pro Svcs/ Reconnecting Community Grant	2,500.00
Municipal Supply Inc	WR / Fire Hydrants	9,467.76
Nebraska Economic Developers Association	DS / Membership Dues / Burnside, D	150.00
Nebraska Main Street Network	CM / Annual Dues	300.00

Nebraska Public Power District	O & M	124,342.68
	Power Purchase	1,009,915.15
Nebraskaland Tire	ST / Tire Repairs	11.50
O'Reilly Auto Parts	PK / ST / WR / Supplies / Parts	99.71
Parent Child Center	Electric Rebate	500.00
Paulsen Inc	OC/WR/Install	Metal Panels/North
	Wall/Limestone/Calcium	32,934.91
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00
Principal	Dental Premium	3,982.22
Quality Flow Systems	WWTP / Mixer Repairs	16,677.52
Quick Med Claim	AMB / Billing Fees	511.72
S & W Auto Parts	ND/PK/ST/WR/WWTP/Parts/Supplies	168.53
Shirley, Al	Electric Rebate	1,650.00
St Ann's Church	St Ann's Remodel / CDBG Grant	83,392.50
Standard Insurance Company	Life Insurance Premiums	995.68
State of NE/Public Health Environmental Lab	WR / Testing	1,031.00
State of Nebraska/Cornhusker State Industries	LB / Refurbish Window Seat Cushions	990.00
Tapia, Ramiro	Electric Rebate	400.00
US Foods	MOW / Food / Supplies	589.09
US Mail Supply Inc	ST / Mailbox Clusters	7,748.00
Verizon Wireless	Cellular Service	416.95
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
VSP / Vision Service Plan	Vision Premium	1,123.65
YMCA of the Prairie	Fitness Memberships	1,256.00
Zamora Garcia, Jose	Electric Rebate	3,100.00
Health Claims	Claims	28,669.14
Lexington City Payroll Account		
Payroll	Wages	166,802.50
Social Security	Employer Portion / FICA Med	12,096.80
Union Bank & Trust	Employer Portion / Pension	5,929.12
Union Bank & Trust	Police Pension	3,763.96
ICMA	City Manager Pension	1,001.96
NSG Logistics LLC	ST / Ice Slicer / 107 Ton	16,977.10
TASC	Administrative Fees	198.62
	TOTAL CLAIMS:	2,030,666.72

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a redevelopment plan titled “Amendment to the Redevelopment plan of the City of Lexington NE (Vintage Rows Redevelopment Project)”. Peplitsch reviewed the redevelopment plan for senior housing development in the Wycoff Addition. There were no public comments, and the public hearing was closed. Resolution No. 2022-37 was presented. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2022-37. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2022-37
(Amendment to Redevelopment Plan and Cost-Benefit Analysis—Vintage Rows Redevelopment Project)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING AN AMENDMENT TO REDEVELOPMENT PLAN #6 IN THE CITY OF LEXINGTON, NEBRASKA AND A COST-BENEFIT ANALYSIS FOR THE VINTAGE ROWS REDEVELOPMENT PROJECT.

RECITALS

- A. The General Redevelopment Plan for Redevelopment Area #6 (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, Nebraska (the “City”) on November 8, 2022, pursuant to Resolution No. 2022-25.
- B. An Amendment to the Redevelopment Plan (the “Amendment”) for the Vintage Rows Redevelopment Project (the “Project”) has been prepared pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2155, as amended (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.
- C. 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.
- D. The Community Development Agency of the City of Lexington, Nebraska (the “Agency”), 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.
- E. On December 27, 2022, a meeting of the City Council 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.
- F. 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.
- G. The City Council reviewed and discussed the recommendations received from the Planning Commission and the Agency.
- H. The City Council has duly considered all statements made and materials submitted related to the submitted questions.
- I. The Amendment clarifies the scope of the Redevelopment Plan and incorporates the Project into the Redevelopment Plan and into compliance with the Act.
- J. 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.

- K. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to Section 18-2109 of the Act;
- L. The Amendment will, in accordance with the present and future needs of the City, 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.
- M. The Amendment is feasible and is in conformance with the general plan for development of the City as a whole, as set forth in the City of Lexington Comprehensive Plan, as amended.
- N. The costs and benefits of the Project, including the costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services are in the long-term best interest of the City.
- O. 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.
- P. 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.

PASSED AND APPROVED this 27th day of December, 2022.

ORDINANCE: Ordinance No. 2451 entitled “**AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM**” was presented. Moved by Smith, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

Ordinance No. 2451 was presented on final reading. Moved by Smith, seconded by Salem, to approve Ordinance No. 2451. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

APPOINTMENTS: The following appointments to boards and commissions for CY 2023 were presented:

Board of Adjustment – Reappoint Deb Stuchlik; Appoint Bo Berry (alternate),
Housing Authority – Appoint Zach Blessin,
Library Board – Appoint Katie Maloley,
Planning Commission – Reappoint Barb Margritz.

Moved by Salem, seconded by Vivas, to approve the list of appointments for CY 2023 as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Roberts, seconded by Smith, to enter into Executive Session at 5:42 p.m. to discuss real estate negotiations. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

Moved by Salem, seconded by Vivas, to enter into Open Session at 6:07 p.m. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

ROUNDTABLE: There were no items for discussion.

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