

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 28, 2001 at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Ted Cook, Rick Klamm, John Salem, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis.

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.

MINUTES – REGULAR MEETING – 8-14-01: Minutes of the Regular Meeting held Tuesday, August 14, 2001 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held August 14, 2001 as presented. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$758,530.76 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$98,919.43 from the General Fund, \$618,617.05 from LEXUS, \$21,142.19 from City Sanitation, \$67.35 from Library Memorial, \$20.54 from Library House Fund, \$12,729.53 from Health Fund, and \$7,034.67 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
AUGUST 28, 2001 COUNCIL

Abingdon Press	Library Books	57.44
All Points Cooperative	Propane	10.40
Alltel	Cell Svc/Phone/Battery	408.05
American Playground Corp	Swing Seats	450.00
Berntson Oil	Diesel	99.52
Cash-Wa distributing	Food/Supplies/Concessions	1,346.00
C.B.S.A	Employee Medical	4,536.51
Chesterman Co	Concessions	78.80
Cindy's Heavenly Cookies	Concessions	235.25
Clark Enersen Partners, The	PreFund Raising Svc	675.85
D & R Computing	Laser Cartridges	55.99
Dawson County Public Power	Electric Rebate	1,125.00
Depository Trust Co.	97A & 97B Util Bnd Prc&Int	528,210.00
Dugan Business Forms	Envelopes	467.16

Eakes Office Supplies	Office Supplies	85.80
Egan Supply Co	Cleaning Supplies	128.40
Electric Fixture	Electric Supplies	1,374.01
Fagot Refrigeration & Electric	Svc Heat Pump/GGC	36.58
Family Life	Subscription	14.97
Fischer-Scientific	WWTP Supplies	758.76
Fyr-tek	Fire Hoses	3,044.15
Johnny on the Spot	Toilet Rental	270.00
Gillette/Nebraska Dairies	Dairy	79.80
Hach Co	WWTP Supplies	68.00
Hipp Wholesale Foods, Inc	Food & Supplies	598.49
Infotel Publications	Business Directory	301.45
Ingram Library Svc	Library Books	65.52
Johnson, Lynn	Electric Rebate	800.00
Joy Book Nook	Library Books	67.35
Keim, Jo	Reimburse City Directory	15.50
Lawson Products Inc	Electric Supplies	225.25
Lewis, Shirley	Reimburse City Directory	31.00
Lexington Newspapers	Publications	406.46
Lexington Public Library	Replenish Petty Cash	75.43
Lexington Public Schools	CPR Class	28.00
Lexus	Utilities	20,192.97
Lexington City Payroll Account	Wages	83,524.92
Social Security	Employer Portion/FICA Med	6,299.39
First National Bank	Employer Portion/Pension	2,424.12
First National Bank	Police Pension	990.49
ICMA	Pepplitsch Pension	180.00
Mac's Repair	Mowing	200.00
Meridian Library System	Registrations	20.00
Mid-Nebraska Food Bank	Food & Supplies	104.56
Miller & Associates	Pro Fees/Jefferson St Final	2,403.55
Montiel, Jose	Refund Water Tap	182.88
Morris Press & Office Supplies	Office Supplies	25.90
Mr. Automotive	Towels	50.32
NE Association of Sr Centers	Registration/Membership	240.00
NE Dept of HHS Laboratory	Water Tests	1,466.00
NE Dept of Revenue	Waste Reduction Fee	25.00
NE Library Commission	Library Services	933.82
NE Recreation & Parks Assn	Membership	35.00
NE RWA	Membership	225.00
Nebraska National Bank	Mail Machine Lease	361.56
Nebraska Truck & Equipment Co., Inc.	Electric Supplies	25.34
New Choices	Subscription	5.95
Newman Traffic Signs	Sign Supplies	1,000.15
Omnigraphics Inc.	Library Supplies	175.00
Overton Community Center	Rent	100.00
Pacific Ink	Ink Cartridges	400.79
Patty's Hallmark	Office Supplies	67.25
Paulsen Inc	Concrete	529.60
Plum Creek Auto Spa	Car Washes	20.00
Precision Industries	Electric Supplies	30.36
Quality Stores Inc	Misc Supplies	66.58
Ramirez, Javier	Electric Rebate	1,150.00
Reams Sprinkler Supply Co	Sprinkler Heads	1,497.00
S&W Auto Parts	Electric Supplies	121.38
Sage, Myrl	Electric Rebate	1,150.00

Savalot Discount Foods	Food & Supplies	10.27
Service Master/Mid Nebraska	Monthly Svc	48.00
Simmerman Electric	WWTP Supplies	1,360.79
Spike Nashbar	Volleyballs	232.40
Subway of Lexington	Meals	23.55
T.O. Haas Tire Co Inc	Tires/Repairs	320.90
Telegraph	Subscription	115.00
U-Save Foods Inc	Food & Supplies	79.48
Usher Pest Control	Pest Control	45.00
Wal-Mart	Misc Supplies	488.12
Wesco Distribution	Electric Supplies	3,410.93
Zlatkovsky, David	Electric Rebate	1,000.00
Alamar Uniform Co	Police Uniforms	97.98
Aldan Industries Inc	Electric Supplies	404.54
All Points Cooperative	Central Garage Supplies	200.00
Associated Supply Co. Inc	Pool Supplies	146.05
Berntson Oil	Fuel/Oil	110.51
C.B.S.A.	Employee Medical	7,210.11
Cash Wa Distributing	Food/Supplies/Concessions	682.24
Central Garage Fund	Labor/Parts/Oil/Tires	4,817.69
Dan's Sanitation	Sanitation Svc	22,654.63
Done Rite Janitorial	Floors/Admin	494.00
Dutton-Lainson Co	Electric Supplies	371.90
Fagot Refrigeration & Electric	Repairs	150.57
Five Star Flooring	Carpet	543.78
Hipp Wholesale Foods Inc	Food & Supplies	406.70
Holiday Sentiments	Holiday Cards	143.25
Husker Ag Sales	Parts/Svc	80.74
Insurance & Personnel Svc	Employee 125 Acct	982.91
Jim Phillips Construction	Curb Repair	75.00
Kriz-Davis Co	Electric Supplies	1,063.52
Lexington Area Solid Waste Agency	Appliance Disposal	374.76
Lexington True Value	Misc Supplies	24.61
Lexington, City of	Franchise Fees	33,440.29
Mead/Big Valley Lumber	Electric Supplies	95.74
Mr. Automotive	Central Garage Supplies	115.88
National Recreation & Park Assn	Membership/Conf Reg	395.00
Oscar's Garage	Central Garage Supplies	152.40
Petty Cash Fund	Replenish Petty Cash	37.66
Plum Creek Medical Group	Physical	215.00
Ronco Inc	Mat/Labor-Break Room	546.55
S&W Auto Parts	Central Garage Supplies	1,304.89
T.O. Haas Tire Co. Inc.	Central Garage Supplies	52.23
US Postal Svc	Postage	1,500.00
U-Save Foods	Food & Supplies	13.42
Village Cleaners	Laundry Svc	36.00
	GRAND TOTAL:	758,530.76

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mike Bacon, attorney representing the CRA, introduced Keith Sladky, who is the Administrator of Plum Creek Care Center. Mr. Sladky reviewed the plans for expansion and remodeling the Care Center. Following Mr. Sladky's presentation, Mr. Bacon explained the TIF Financing for this project, as well as Infrastructure Plans. He further stated that the total cost of the project will be \$1.4 Million. Following Mr. Bacon's

presentation, and discussion by the Citizens and Council, Mayor Fagot closed the Public Hearing.

RESOLUTION:

A Resolution was read before Council. Moved by Klamm, seconded by Tomasek, to approve Resolution Number 01-14 as presented, and authorize the Mayor to execute required documents. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION – 01-14

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT 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 area 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 as contained in a Redevelopment contract [Lantis Enterprises, Inc., Contract dated August 28, 2001] 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 August 28, 2001, pursuant to notice as required by law; and

WHEREAS, there has been presented for approval a specific Redevelopment Project and Redevelopment Plan, as prescribed in the Redevelopment Contract;

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 Redevelopment contract 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 project described in the redevelopment contract and plan attached thereto, would not be economically feasible without the use of tax-increment financing;
- (b) The project 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;

All of Westside Home Addition to the City of Lexington, Dawson County, Nebraska; and

A tract of land in the SE1/4 of Section 31, Township 10 North, Range 21, West of the 6th P.M., Dawson County, Nebraska, and more particularly described as follows: Beginning at a point which is 673 feet North and 333 feet West of the Southeast corner of the SE1/4 of Section 31, Township 10 North, Range 21 West of the 6th P.M.; thence North, and parallel to the East line of said SE1/4 a distance of 824 feet to a point which is 17 feet South of the center line of 17th Street extended; thence North 89°10' West a distance of 30 feet; thence South and parallel to the East line of said SE1/4 a distance of 824 feet; thence South 89°42' East a distance of 30 feet to the place of beginning; and

A tract of land in the E1/2 of the SE1/4 of Section 31, Township 10 North, Range 21 West of the 6th P.M., Dawson County, Nebraska and more particularly described as follows: referring to the Southeast corner of Section 31, Township 10 North, Range 21 West of the 6th P.M., Dawson County, Nebraska; thence North and along the East section line of said Section 31 a distance of 703.0 feet; thence N 89°42' W, and along the North line of 15th Street, a distance of 363.0 feet to the Point of Beginning; said point is also the Southeast corner of Lot 1, Block 1, Woodward's First Addition to the City of Lexington, Dawson County, Nebraska; thence N 89°42' W, and along the South line of said Block 1, Woodward's First Addition, a distance of 20.0 feet; thence North, and parallel with the East section line of said Section 31, a distance of 794-7 feet; thence East, and parallel with the North line of said Block 1, Woodward's First Addition, a distance of 20.0 feet; thence South, and parallel with the East section line of said Section 31, a distance of 794.8 feet to the place of beginning, as surveyed, platted and recorded, now being a part of the City of Lexington, all in 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, 2002.

- 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 Mayor is directed to execute and deliver to the County Treasurer and Assessor, the Notice of Allocation of Taxes which is attached hereto and marked as exhibit B.
6. The Bond mentioned in section 18-2151 R.R.S. 1997, is not required.

Passed and approved this 28th day of August, 2001.

CITY OF LEXINGTON, DAWSON COUNTY,
NEBRASKA

BY John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

CODE OFFICER:

Pepplitsch addressed the City Council on partial funding for an additional drug investigator for the Lexington/Dawson County area. He does not anticipate that it would exceed \$5,000 per year. Following discussion, moved by Klamm, seconded by Cook, to participate in providing partial funding for an additional drug investigator for the Lexington/Dawson County area, and include this cost into the Budget for the next fiscal year. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm, Fagot. Motion carried.

NEBESCO MEMBERSHIP:

Pepplitsch addressed the City Council regarding continued membership in the Nebraska Energy Services Company. He recommended that the City of Lexington decline continued membership. Following discussion, moved by Klamm, seconded by Salem, to direct Administration to withdraw membership from Nebraska Energy Services Company. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**OWNER-OCCUPIED HOUSING
REHABILITATION PROGRAM:**

Pepplitsch addressed the City Council requesting adoption of the Policies and Guidelines for Owner-Occupied Housing Rehabilitation Program, for administering the Housing Rehabilitation Program. Following discussion, moved by Klamm, seconded by Tomasek, to adopt the Policies and Guidelines for Owner-Occupied Housing Rehabilitation Program, as presented. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**REUSE PLAN FOR PROGRAM
INCOME OF CDBG
#01-HO-303:**

Pepplitsch addressed the City Council, on a reuse plan for CDBG #01-HO-303. Following discussion, moved by Klamm, seconded by Salem, to adopt the Reuse Plan for Program Income of CDBG #01-HO-303. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

5TH & JACKSON TRAFFIC CONTROL:

Peplitsch addressed the City Council, requesting discussion on the traffic control options at the intersection of 5th & Jackson Streets. The No-Left Turn Sign was initially installed when UPRR's third rail was being installed, and all crossings were closed for the construction. Installing the sign helped to alleviate some of the congestion. Rod Streff, owner of S & W Auto Parts, addressed the Council, stating his concern of the traffic control and the effect on his business. Following discussion, Council recommended that a Resolution be prepared to request the State of Nebraska remove the No-Left Turn Sign at the intersection of 5th and Jackson.

FINANCIAL REPORT:

The Financial Report for July, 2001 was presented to Council for acceptance. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for July, 2001. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

LIQUOR LICENSE:

There being no one present to represent Lo Mejor de Michoacan, this Item was tabled until the next Council meeting which is scheduled for Tuesday, September 11, 2001.

ADJOURNMENT:

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

John Fagot
Mayor

Shirley Lewis
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.

Lexington Deputy City Clerk