

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 26, 2004 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, Rick Klamm, John Salem. Councilmen Ted Cook and Steve Tomasek both requested to be excused. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Charlie Clark and Barb Mills.

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 – 10-12-04:**

Minutes of the Regular Meeting scheduled for Tuesday, October 12, 2004 was presented for Council's consideration and approval. Moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held October 12, 2004 as presented. Roll call. Voting "aye" were Salem, Klamm, Fagot. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$254,417.26 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 \$109,036.51 from the General Fund, \$103,977.13 from LEXUS, \$21,190.87 from Sanitation, \$18.13 from Library Memorial, \$12,692.98 from Health Fund, and \$7,501.64 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 26, 2004

ABC Audiobooks	Books	14.40
Accu Cut	Books	73.00
AFLAC	Premium	942.36
Alamar Uniform Company	Shirts	235.46
Alltel	Cellphone Service	191.05
American Water Works Assoc.	Membership Dues	275.00
Aqua-Tonics, Inc.	Cable Locator	1,267.40
Baird, Holm, McEachen, Pedersen	Issuance Cost	3,307.50
Barco Municipal Products	Steel Posts	353.41
Barnes Distribution	Electric Supplies	247.57
Bernal, Raymond	Electric Rebate	1,025.00

Berntson Oil	Fuel	3,517.70
Bob's Auto Repair & Service	Repair	190.54
Business & Professional Credit	Collection Fees	455.05
Business Ofc Systems of Nebraska	Office Supplies	251.90
Card Center (Orscheln)	Parts/Supplies	79.03
Cash-Wa	Food & Supplies	638.86
Central Fire & Safety, Inc.	Extinguisher Maint.	686.41
Central Garage	Maint./Repairs	4,845.36
Chief Supply Corp.	Fire Dept. Supplies	279.96
Corporate Benefit Svcs of America	Claims	6,805.84
Dawson County Road Department	Bridge Plank	200.00
Dawson County Weed Control	Weed Control	2,436.43
Demco	Office Supplies	43.57
E. A. Pedersen Company	Testing /Labor At IBP Substation	5,779.45
Eakes Office Products	Office Supplies	63.98
Farmer Brothers Coffee	Food	187.69
Gale Group, The	Books	721.73
Gateway Companies, Inc.	Computer	3,513.00
H. W. Wilson Company, The	Subscription Renewal	521.00
Halsen Products Company	Paint	361.19
Harker's	Food	668.74
Hipp Wholesale Foods, Inc.	Food & Supplies	646.03
Hunt Cleaners, Inc.	Gloves	70.94
Husker Ag Sales	Supplies	50.30
I. C. M. A.	Subscription Renewal	79.00
Incode-CMS	Annual Hardware Maint.	448.00
Ingram Library Services	Books	154.87
J. H. Lawn Service	Fertilizer/Weed Killer	536.00
Jerry Baker	Book	37.16
John' Liquor & Video	Storage Rental	236.00
K & K Parts Company, Inc.	Supplies	151.68
Kemps-Gillette	Beverages	304.99
Kinder Morgan	Gas Service	12.62
Kriz-Davis Company	Meters	5,269.99
Lawson Products, Inc.	Supplies	233.79
League of Nebraska Municipalities	Conference	290.00
Lexington Newspapers	Publications	201.03
Lexington Truck & Auto	Repair	10.00
Lexington True Value	Supplies	42.78
Lexington City Payroll Account	Wages	86,714.18
Social Security	Employer Port/FICA Med	6,523.99
First National Bank	Employer Portion/Pension	2,894.89
First National Bank	Police Pension	1,245.59
ICMA	City Manager Pension	231.84
Liehs Drilling	Clean Out Well	72.00
Linda's Stitches & Creations	Shirts & Hats	99.50
McCookNet Internet Service	Service	5.00
Mead Rental Center	Rentals	59.15
Mead/Big Valley Lumber	Maintenance Supplies	212.51
Mid-Nebraska Printing	Office Supplies	2.50
Miller & Associates	Retainer Services	800.00
Municipal Emergency Services	Fire Dept. Supplies	808.00
NE Dept. Of Health & Human Svcs	Renewal Certificate/ Thomas Nelson	94.00
Nebraska Department of Labor	Unemployment	706.00

Nebraska State Electrical Division	License Renewal	50.00
Nebraska Truck & Equipment	TIF	4,010.73
Neopost	Postage	1,500.00
Overton Community Center	MOW	100.00
Paulsen Inc.	Gravel	98.16
People En Espanol	Subscription	45.54
Pinnacle Agency, The	Premium	186.00
Platinum Plus For Business	Misc. Supplies	43.85
Platte Valley Auto Mart	Repairs	161.87
Rodale Books	Book	36.44
S & W Auto Parts, Inc.	Central Garage Supplies	1,999.31
Sav-A- Lot Discount Foods	Food	13.95
SunMart #763/Sixth Street	Food	17.06
T. O. Haas Tire Company, Inc.	Tires & Repair	831.00
Talking River	Book	15.00
Team Detail & Quicklube	Car Wash	40.00
TierOne-Lib. Petty Cash	Petty Cash	36.00
U-Save Business Equipment	Office Supplies	44.91
Upstart	Book	8.95
Utility Equipment	Supplies/Parts	95.28
Wal-Mart	Supplies	525.55
Wesco Distribution, Inc.	Electrical Supplies	714.76
WesTech	Supplies	124.24
Business And Legal Reports, Inc.	Training Supplies	534.95
Cash-Wa Distributing	Food & Supplies	708.30
Center Point Publishing	Books	343.64
Central Garage	Maint./Repairs	2,349.26
Central Tire & Tread	Tire Repair	5.00
Corporate Benefit Svcs of America	Claims	4,944.78
Dan's Sanitation	Sanitation Fees	21,190.87
Electric Fixture	Electric Supplies	172.13
Fisher Scientific	Misc. Supplies	254.23
Fuentes-Murillo, Kendy	Utilities Refund	83.59
Grey House Publishing	Book	148.50
Hach Company	Testing Supplies	245.30
Harker's	Food	282.97
Husker Ag Sales	Supplies	355.25
Ingram Library Services	Books	833.98
Kapco	Supplies	87.50
Keim, Bob	Freon Removal	135.00
Kemps-Gillette	Beverages	57.67
Kriz-Davis Company	Electric Supplies	1,176.58
Lauby, Philip	Conference/Seminar	158.25
Lexington, City of	Service Fees	32,879.17
Lexington True Value	Supplies	39.98
Lexington Utilities Systems	Utilities	13,967.02
Lexington Volunteer Fire Dept	Conference/Seminar	2,810.00
McCormack Distributing Company	Supplies	17.93
Mead/Big Valley Lumber	Supplies	832.50
Michael Todd & Company, Inc.	Supplies	254.86
Midlands Contracting, Inc.	Pedestrian Crossing Supplies	6,528.49
Mid-Nebraska Printing	Copies	234.30
Nebraska Dept of HHS Laboratory	Water Analysis	183.00
Plum Creek Promotions	Tee Shirts	1,089.30
Spike Nashbar	Supplies	196.65

S & W Auto Parts, Inc.	Supplies	484.62
T. O. Haas Tire Company, Inc.	Tires	468.02
Tierone-City Petty Cash	Petty Cash	76.97
Tierone-Library Petty Cash	Petty Cash	5.25
U-Save Business Equipment	Office Supplies	127.53
Wal-Mart	Supplies	31.41
	TOTAL:	254,417.26

PUBLIC COMMENT PERIOD:

Herb Teter, reporter for the Tri-City Tribune, announced his resignation from the Newspaper, effective November 2, 2004. His appreciation was expressed to the Council, City Manager, City Attorney, and Deputy City Clerk for their cooperation. Council told Mr. Teter that he will be missed, and that they wished him the very best. Council also expressed their appreciation for his fair and unbiased reporting.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Elly Vazquez, representing Vazquez Market, requested Council’s approval of rezoning their property located at 720 E. 6th Street, from M-2 to M-1. It was reported that the request was to help restrict what type of establishments could go into that structure. Mayor Fagot closed the Public Hearing.

An Ordinance entitled “AN ORDINANCE TO REZONE THE WEST 260 FEET OF THE EAST 370 FEET OF THE NORTH 140 FEET, OF LOT 10, TRACT D OF THE SUBDIVISION OF SECTION 5-9-21 IN THE CITY OF LEXINGTON, FROM M-2 HEAVY INDUSTRIAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before Council. Moved by Klamm, seconded by Salem, to approve said Ordinance on First Reading. Roll call. Voting “aye” were Salem, Klamm, Fagot. Motion carried.

DAD ANNUAL REPORT:

DeEtta Hartman, Director of Dawson Area Development, presented her Annual Report to the Lexington City Council. Following Mrs. Hartman’s presentation, Mayor Fagot, representing Council, expressed their appreciation for DAD’s efforts, assistance, and patience in Lexington’s Development. In addition, Mayor Fagot commended the Council Members in their support, and faith, in bringing new industries to Lexington.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mr. Mike Bacon, Counsel for Lexington Community Redevelopment Authority, presented the Redevelopment Contract for Ford & Ford Development, for the proposed Sonic Drive-Thru Restaurant, in Redevelopment Area #1. Following Mr. Bacon’s presentation, Mayor Fagot closed the Public Hearing.

RESOLUTION:

Council was requested to approve a Resolution approving the Redevelopment Contract in Redevelopment Area #1, from Ford & Ford Development, for a Sonic Drive-Thru Restaurant. Moved by Klamm, seconded by Salem, to approve Resolution No. 04-23 approving Redevelopment Contract in Redevelopment Area #1 from Ford & Ford

Development, for a Sonic Drive-Thru Restaurant. Roll call. Voting “aye” were Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-23

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON; APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

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 pursuant to Section 18-2111 of the Act; and

WHEREAS, the 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, pursuant to notice as required by law; and

WHEREAS, there has been presented for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the 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 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 execute the Redevelopment contract and 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 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, 2006.
 - 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 or 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 Community Redevelopment Authority is directed to execute the Redevelopment Contract with such corrections, additions and deletions as may be deemed necessary by the Authority, and the Mayor and City Clerk are directed to execute and deliver to the County Treasurer and Assessor the proper Notice of Allocation of Taxes.

Passed and approved this 26th day of October, 2004.

CITY OF LEXINGTON,
DAWSON COUNTY,
NEBRASKA

BY John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

- PAY REQUEST:** Peplitsch requested Council's approval of Pay Request No. 27 for the Lexington Viaduct Project. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 27 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$269,311.41. Roll call. Voting "aye" were Salem, Klamm, Fagot. Motion carried.
- DEPT. OF ROADS MAINTENANCE AGREEMENT:** Peplitsch requested Council's approval of the Department of Roads Maintenance Agreement. Following discussion, moved by Klamm, seconded by Salem, to approve Maintenance Agreement No. 16 with the Nebraska Department of Roads. Roll call. Voting "aye" were Salem, Klamm, Fagot. Motion carried.
- FINANCIAL REPORT:** Peplitsch requested Council's acceptance of the Financial Report for September, 2004. Following discussion, moved by Klamm, seconded by Salem, to accept the Financial Report for September, 2004. Roll call. Voting "aye" were Salem, Klamm, Fagot. Motion carried.
- ADJOURNMENT:** There being no further business to come before 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.

Deputy City Clerk