

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 26, 2005 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 Ted Cook, Joni Bennett, John Fagot, Linda Miller, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Charlie Clark, Deb Jensen, 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 Cook.

MINUTES – REGULAR MEETING – 04-12-05: Minutes of the Regular Meeting scheduled for Tuesday, April 12, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Bennett, to approve the Minutes of the Regular Meeting held April 12, 2005 as presented. Roll call. Voting “aye” were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$355,639.54 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$125,523.50 from the General Fund, \$187,449.96 from LEXUS, \$22,555.05 from Sanitation, \$38.60 from Ambulance Fund, \$15.18 from Library Memorial, \$12,131.64 from Health Fund, and \$7,925.61 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 26, 2005

Alamar Uniform Company	Uniform Expense	180.47
Alltel	Cellphone Service	203.58
American Library Association	Online Publication	202.50
Barco Municipal Products	Water Dept. Supplies	79.39
Berntson Oil	Fuel/Oil	166.00
Bottom Line Personal	Subscription	39.00
Brin, Bernita	Travel Expense	54.27
Card Center/Orscheln	Supplies	148.15
Case Credit Advantage	Supplies	108.59
Cash-Wa Distributing	Food & Supplies	345.40
Central Garage	Maint./Repairs	2,773.90
Charter Communications	Internet Service	23.99

CMC Rescue	Fire Dept. Supplies	85.00
Corporate Benefit Svcs of America	Claims	8,345.87
Dawson County Handibus	Transportation	120.00
Dawson County Public Power	Transformers/Strip Mall & Sonic	18,298.76
Dawson County Treasurer	2005 Ford Truck Title/Tax	2,221.00
Dutton-Lainson Company	Electric Supplies/Tennis Courts & Ethanol Plant	1,906.03
Eilers Machine & Welding	Misc. Supplies	93.00
Electric Fixture	Electric Supplies	673.92
Farmer Brothers Coffee	Beverages	111.00
Farr Contractor's Equip & Supply	Electric Supplies	226.79
Fed Ex	Delivery Service	14.27
Fifth Street Automotive	Vehicle Service/Fire Dept.	66.16
Fox Bros. Hay Company, Inc.	Wood Grinding Service	1,876.16
Fucare Consulting Services, Inc.	Economic Development Summit	1,000.00
Galls Inc.	Uniform Expense	453.95
Gnirk Lawn Care	Lawn Care	707.00
Guideposts	Subscription	17.94
Hach Company	WWTP Supplies	186.50
Harker's	Food	651.37
Hipp Wholesale Foods, Inc.	Food & Supplies	1,095.31
Holiday Inn	Conference Expense	120.00
HWS Consulting Group	Long Range Transportation Plan/Comprehensive Plan Update	14,522.58
Int Institute of Munic Clerks	Membership Fee	66.00
Ingram Library Services	Books	174.26
Jerry's Electric	Transformer	2,640.00
Jim Phillips Construction	Street Repair	1,086.05
K Lawn	Lawn Care	75.05
Kapco	Library Supplies	89.40
Kemps-Gillette	Beverages	245.15
Kriz-Davis Company	Electric Supplies	1,569.21
Lexington Newspapers, Inc.	Publications	928.77
Lexington True Value	Maintenance Supplies	29.40
Payroll	Wages	85,689.17
Social Security	Employer Portion / FICA Med	6,432.16
First National Bank	Employer Portion / Pension	3,221.91
First National Bank	Police Pension	1,138.59
ICMA	City Manager Pension	231.84
Lexington Utilities Systems	Utilities	17,478.23
Liehs Drilling	Park & Cemetery Supplies/ Compressor	2,016.35
Linda's Stitches & Creations	Shirts	207.60
Little Caesars	Food	108.00
McCookNet Internet Service	Service & Supplies	53.00
Mead/Big Valley Lumber	Maintenance Supplies	138.61
Mead Rental Center	Park Equipment Rental	39.84
Mid-Nebraska Food Bank	Food	39.46
Mid-States Units	Park Rentals	360.00
Midwest Laboratories Inc.	Water Testing	1,015.00
Miller & Associates	Professional Services/WW Biosolids Annual Report	1,595.10
Municipal Supply	Water Dept. Supplies	279.14
National Waterworks	Misc. Supplies/Water & Elec Depts	1,623.77
Naumann, Sondra	Cleaning Service	48.00
NE Health & Human Svcs	Water Dept. School/Cert Fee	294.00
NEHealth & Human Svcs Lab	Water Testing Analysis	180.00

Nebraska Truck & Equip Co., Inc.	Central Garage Supplies	9.86
Oxmoor House	Book	17.90
Paulsen Inc.	Concrete	1,693.34
Pinnacle Bank	WWTP Land Payment	16,741.77
Plum Creek Medical Group	Medical Expense	219.00
Plum Creek Motors	Central Garage Supplies	13.78
Pollardwater.Com	Water Dept. Supplies	28.14
Random House, Inc.	Books	130.05
Reiman Publications	Subscription	19.98
Reutlinger, Troy	Travel/Uniform Expense	337.12
S & W Auto Parts	Central Garage Supplies	1,171.32
Schultze, Kim	Travel Expense	66.66
Sparling Instruments, Inc.	Water Meter Repair	549.71
Subway of Lexington	Food	38.72
SunMart #763	Food	15.86
Swanson Corporation, The	Law Enforcement Training	
	Meals/Reutlinger	905.17
T. O. Haas Tire Co., Inc.	Tires/Repair	220.72
T & R Electric	Transformers	5,940.00
Tep's	Food	33.20
TierOne-Lib. Petty Cash	Petty Cash	19.54
U-Save Business Equipment	Office Supplies	432.11
Unique Books, Inc.	Books	150.70
Wal-Mart	Misc. Supplies	593.90
Wesco Distribution, Inc.	Electric Supplies	2,908.73
AFLAC	Premium	982.66
B & D Office City	Street Supplies	59.10
Barco Municipal Products	Supplies	38.20
Beringer Ciaccio Dennell Mabrey	Architect/Library	2,952.70
C & S Truck & Salvage, Inc.	Repair	58.67
Card Center/Orscheln	Supplies	129.01
Cash-Wa Distributing	Food/Supplies	413.02
Corporate Benefit Svcs of America	Claims	2,440.11
Dan's Sanitation	Sanitation Fees	22,555.05
Demco	Library Supplies	129.65
Eilers Machine & Welding	Misc. Supplies/Batting Cage	879.00
Electric Fixture	Electric Supplies	930.08
Fisher Scientific	Testing Supplies	338.47
Galls, Inc.	Uniform Expense	203.97
Gangwish Turf	Sod	180.36
Gneil	Office Supplies	476.75
Gnirk Lawn Care	Ball field Maint.	326.00
Gutierrez, Jennie	Electric Rebate	1,025.00
Ingram Library Services	Books	31.06
Keim, Bob	Freon Removal	195.00
Kemps-Gillette	Beverages	95.33
Kinder Morgan	Gas Service	2,487.49
Kriz-Davis Company	Electric Supplies	266.36
Lawson Products, Inc.	Electric Supplies	400.54
Lexington Health Fund	Self-funding	26,417.00
Lexington Newspapers	Publications	15.58
Lexington, City of	Franchise/Service Fees	31,018.13
Lexington True Value	Supplies	7.59
Mead/Big Valley Lumber	Maintenance Supplies	117.73
Mendoza, Tone'	Interview Expense	338.74
Michael Todd & Co., Inc.	Street/Park Supplies	207.64
Micro-Marketing, Inc.	Books	35.05

Municipal Supply	Water Dept. Supplies	630.64
National Waterworks	Water Dept. Supplies	64.63
Naumann, Sondra	Cleaning Service	48.00
Nebraska Assoc of Senior Citizens	Conference Registration	30.00
Nebraska State Historical Society	Books	515.50
Old Dominion Brush	Street Sweeper Supplies	430.50
Olsson Associates	15mVA Substn.Add./Electrical Service for Ethanol Plant	5,233.47
Platte Valley Auto Mart	2005 Ford Truck/Electric Dept.	31,500.00
Plum Creek Auto Spa	Car Wash	10.00
Plum Creek Promotions	Uniform Expense	21.75
Reiman Publications	Subscription	19.98
S & W Auto Parts, Inc.	Misc. Supplies	30.15
Schultze, Kim	Seminar Expense	32.40
St. Pierre, Marie	Interview Expense	259.10
SunMart #763	Food	10.41
T. O. Haas Tire Co., Inc.	Tires/Repair	12.79
TASC	Flex Plan	144.00
Taste of Home	Book	23.98
Terrazas, Rosalia	Electric Rebate	1,025.00
TierOne-City Petty Cash	Petty Cash	81.55
TierOne-Lib. Petty Cash	Petty Cash	19.05
U-Save Business Equipment	Office Supplies	191.53
Utility Equipment	Electric Supplies	825.89
Wal-Mart	Supplies	259.99
	TOTAL:	355,639.54

APPOINTMENT:

Following discussion regarding a replacement for Patty Johnson on the Lexington Community Development Advisory Board, moved by Cook, seconded by Tomasek, to appoint Mr. Rick Klamm to the CDAB. Roll call. Voting “aye” were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

AUDIT REPORT:

Linda Erickson, representing Contryman’s, gave a brief presentation on the City of Lexington’s Fiscal Year 2004 Audit Report. Ms. Erickson reported there were no findings. Following discussion, moved by Tomasek, seconded by Bennett, to accept the Fiscal Year 2004 Audit Report for the City of Lexington. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**REDEVELOPMENT
CONTRACT:**

Mayor Cook opened the Public Hearing. Mike Bacon, representing the Redevelopment Authority, requested Council’s approval of a Redevelopment Contract with Greater Lexington Corporation, for the purpose of developing residential lots in the Paulsen Subdivision. Also speaking in support of the Contract were Vance Bricker, representing Greater Lexington Corporation, Vicki Gilpin, representing the Lexington Area Chamber of Commerce and the Council of Economic Development, and Mr. Rick Klamm. Following discussion, Mayor Cook closed the Public Hearing.

RESOLUTION:

Following discussion, moved by Fagot, seconded by Tomasek, to approve Resolution No. 05-12 approving a Redevelopment Plan as contained in a Redevelopment Contract; making findings with regard to such plan and approving other action thereon. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

RESOLUTION 2005-12

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 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 as contained in a Redevelopment Contract (Greater Lexington Project) 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 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 Community Redevelopment Authority is directed to execute the Redevelopment Contract with such corrections additions and deletions as may be deemed necessary by such 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.

6. The Redevelopment Plan shall be amended from time to time to add additional real estate taxes to the list of property for which ad valorem taxes are divided pursuant to paragraph 4 hereof, and providing for a different effective date, upon application of the Authority, and without requirement of a public hearing. Such amendment shall not be deemed a substantial or major amendment of the Plan.

Passed and approved this 26TH day of April, 2005.

CITY OF LEXINGTON, DAWSON

COUNTY, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, City Clerk

ORDINANCE: This item was tabled until after Executive Session.

CHANGE ORDER: Peplitsch requested Council's approval of Change Order No. 17 for the Lexington Viaduct Project. Following discussion, moved by Tomasek, seconded by Miller, to approve Change Order No. 17 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$27,015.12. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

CHANGE ORDER: Peplitsch requested Council's approval of Change Order No. 18 for the Lexington Viaduct Project. Following discussion, moved by Miller, seconded by Bennett, to approve change Order No. 18 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$77,687.65. Roll call. Voting "aye" were Tomasek, Fagot, Bennett, Miller, Cook. Motion carried.

PAY REQUEST: Peplitsch requested Council's approval of Pay Request No. 34 for the Lexington Viaduct Project. Following discussion, moved by Miller, seconded by Fagot, to approve Pay Request No. 34 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$68,541.87. Motion carried.

FINANCIAL REPORT: Peplitsch requested Council's acceptance of the Financial Report, for March, 2005. Following discussion, moved by Tomasek, seconded by Bennett, to accept the Financial Report for March, 2005. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

EXECUTIVE SESSION: Moved by Tomasek, seconded by Bennett, to enter into Executive Session at 7:52 p.m. for the purpose of discussing purchase and sale of land. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Miller, to reconvene Regular Session from Executive Session at 8:43 p.m. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

ORDINANCE: Following Executive Session, moved by Tomasek, seconded by Miller, to approve amendment of draft Ordinance to read as follows in Section 3: "Sale shall be a public auction to be held July 12, 2005, to the highest bidder for cash. Sealed bids shall be received at the Lexington City Building until 5:00 P.M. on July 7, 2005. The five (5) highest bidders will be invited to join a public auction to be held July 12, 2005 at 7:00 P.M. The City reserves the right to reject any and all bids. The successful bidder shall deposit 25% of the amount bid, in cash or certified funds, with the City Clerk, prior to 5:00 P.M., of the day following the sale. The balance shall be paid in cash or certified funds

at the time of closing, estimated as on or before November 1, 2005. Seller shall provide a policy of title insurance, showing good and merchantable title, and the cost of such owner's title insurance shall be divided equally between the parties. Title shall be conveyed by Warranty Deed. Possession will be delivered at the time the Library building is totally vacated, approximately November 1, 2005." Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

An Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF FORMER LIBRARY SITE, BEING LOT SEVEN (7), AND THE SOUTH FORTY FEET (40') OF LOT EIGHT (8), IN BLOCK "J", IN MACCOLL AND LEGLANG'S ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; (TRACT A), AND THE NORTH TEN FEET (N. 10') OF LOT EIGHT (8), AND ALL OF LOT NINE (9), BLOCK J, MACCOLL AND LEFLANG'S ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; (TRACT B); TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before Council. Moved by Fagot, seconded by Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Tomasek, to approve Ordinance No. 2198 on Final Reading. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

ADJOURNMENT:

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

Ted Cook
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

