

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Special Meeting of the Lexington City Council was held Tuesday, April 7, 2009, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 12:00 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, John Salem and Linda Miller. Councilmember Joni Bennett was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy Clerk Pamela Berke. The press was represented by the Kearney Hub and the Lexington Clipper-Herald. Also in attendance was Marc Munford, Ameritas.

**NOTICE:**

Notice of the meeting was given in advance, thereof by posting in the following locations: Lexington Municipal Building, Lexington Public Library, Dawson County Courthouse, Plum Creek Bank, TierOne Bank, Pinnacle Bank. 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.

**RESOLUTION:**

Marc Munford, Ameritas, presented information regarding the refinancing of Series 2002 and 2003 Combined Utility Revenue Bonds. He explained that a net present value benefit of 4.8% could be realized by refinancing at this time, thus saving approximately \$260,000.00 in interest over 14 years. Following his presentation, Resolution 09-09 was presented for Council consideration. Moved by Tomasek, seconded by Miller, to approve Resolution 09-09 as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Fagot. Motion carried.

**RESOLUTION No 09-09**

**BE IT RESOLVED** by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds of the City of Lexington, Nebraska, in accordance with their option provisions are hereby called for payment on May 12, 2009, after which date interest on the bonds will cease:

a. Combined Utilities Revenue and Refunding Bonds, 2002 Series, of the City of Lexington, Nebraska, date of original issue - September 27, 2002, in the principal amount of Eight Hundred Thirty-five Thousand Dollars (\$835,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

Principal Amt	Maturity Date	Interest Rate	CUSIP No.
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\$80,000	Sept 15, 2009	3.65%	529449 CK 4
80,000	Sept 15, 2010	3.90	529449 CL 2
85,000	Sept 15, 2011	4.00	529449 CM 0
90,000	Sept 15, 2012	4.10	529449 CN 8
90,000	Sept 15, 2013	4.25	529449 CP 3
95,000	Sept 15, 2014	4.40	529449 CQ 1
100,000	Sept 15, 2015	4.50	529449 CR 9
105,000	Sept 15, 2016	4.60	529449 CS 7
110,000	Sept 15, 2017	4.70	529449 CT 5

Said bonds are hereinafter referred to as the “2002 Refunded Bonds.”

The 2002 Refunded Bonds are subject to redemption at any time on or after September 15, 2007, at par and accrued interest, and said interest is payable semiannually. The proceeds of the 2002 Refunded Bonds along with City funds on hand were used to 1) call for redemption on September 27, 2002, and pay off \$2,080,000 Combined Utilities Revenue and Refunding Bonds, 1994 Series, Date of Original Issue - March 15, 1994, proceeds of which were used to refund 1991 Series B Bonds of the City; 2) call for redemption on September 27, 2002, and pay off \$1,580,000 Combined Utilities Revenue and Refunding Bonds, 1997 Series A, Date of Original Issue - September 1, 1997, proceeds of which were used to refund Combined Utilities Revenue Bond Anticipation Notes, Date of Original Issue - April 15, 1995, and the City’s Junior Lien Combined Utilities Revenue Bond, Series 1996; 3) pay costs of two new water wells and related transmission water mains, 4) make a deposit into the Bond Reserve Account with respect to the 2002 Refunded Bonds; and 5) pay the costs of issuance of the 2002 Refunded Bonds.

b. Combined Utilities Revenue Bonds, 2003 Series, of the City of Lexington, Nebraska, date of original issue - December 16, 2003, in the principal amount of Three Million Five Hundred Seventy Thousand Dollars (\$3,570,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

Principal Amt	Maturity Date	Interest Rate	CUSIP No.
\$180,000	Dec 15, 2009	3.10%	529449 CZ 1
185,000	Dec 15, 2010	3.40	529449 DA 5
190,000	Dec 15, 2011	3.70	529449 DB 3
195,000	Dec 15, 2012	3.95	529449 DC 1
205,000	Dec 15, 2013	4.10	529449 DD 9
215,000	Dec 15, 2014	4.20	529449 DE 7
220,000	Dec 15, 2015	4.30	529449 DF 4
230,000	Dec 15, 2016	4.40	529449 DG 2
240,000	Dec 15, 2017	4.50	529449 DH 0
255,000	Dec 15, 2018	4.60	529449 DJ 6
265,000	Dec15, 2019	4.70	529449 DK 3
275,000	Dec 15, 2020	4.80	529449 DL 1
290,000	Dec15, 2021	4.85	529449 DM 9
305,000	Dec 15, 2022	4.95	529449 DN 7

320,000            Dec 15, 2023      5.00                    529449 DP 2

Said bonds are hereinafter referred to as the “2003 Refunded Bonds.”

The 2003 Refunded Bonds are subject to redemption at any time on or after December 15, 2008, at par and accrued interest, and said interest is payable semiannually. The proceeds of the 2003 Refunded Bonds were used to 1) pay costs of extending, enlarging, and improving the City’s sewage disposal plant and sanitary sewer system and the electric distribution system; 2) make a deposit into the Bond Reserve Account with respect to the 2003 Refunded Bonds; and 3) pay the costs of issuance of the 2003 Refunded Bonds.

Section 2. The 2002 Refunded Bonds and the 2003 Refunded Bonds are to be paid at the office of the Treasurer of the City of Lexington, Lexington, Nebraska, as paying agent and registrar.

Section 3. A true copy of this resolution shall be filed immediately with the Treasurer of the City of Lexington in Lexington, Nebraska, as Paying Agent and Registrar for the 2002 Refunded Bonds and the 2003 Refunded Bonds, and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinances authorizing said bonds.

Joe Peplitsch, City Clerk

John Fagot, Mayor

**ORDINANCE:**

An ordinance entitled “AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE REFUNDING BONDS, 2009 SERIES, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF FOUR MILLION THREE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$4,365,000) FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT AND REDEMPTION OF THE CITY’S OUTSTANDING COMBINED UTILITIES REVENUE AND REFUNDING BONDS, 2002 SERIES, AND COMBINED UTILITIES REVENUE BONDS, 2003 SERIES; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM” was read by title. Moved by Tomasek, seconded by Salem, to suspend the rules regarding reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Salem, Tomasek, Fagot. Motion carried.

Ordinance No. 2262 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2262 on final reading. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

**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.

Pamela Berke, Deputy City Clerk