

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 24, 2013, at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Jeremy Roberts, and Dora Vivas. Councilmember Linda Miller was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and City Clerk Pamela Baruth. The press was represented by KRVN Radio and Kearney Hub.

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, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 9-10-2013 Minutes of the Regular meeting held Tuesday, September 10, 2013, were presented for Council approval. Moved by Roberts, seconded by Vivas, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Vivas, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,958,183.04 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$540,469.50 from the General Fund, \$34,652.72 from Street Fund, \$131,000.00 from Economic Development, \$1,182,565.51 from LEXUS, \$48,234.09 from Sanitation, \$5,235.01 from Ambulance, \$12,058.09 from Health Fund, and \$3,968.12 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 24, 2013

Alamar Uniforms	Police Uniform Expense	624.64
Alert-All Corp.	Fire Dept Open House Supplies	740.00
Amazon Library	Supplies	13.48
Axis Capital, Inc.	Mail Machine Payment	840.00
B & D Office City	Police Supplies	29.78
Barco Municipal Products, Inc.	ST Supplies	3,001.39
Bauer Underground, Inc.	Directional Drill on 17th Street	7,425.00
Berke, David	Yard Clean-up	100.00
Brown Traffic Products, Inc.	Signal Light Supplies	200.50
Business Card		
BestBuy.com	Stormwater Mobile Unit	561.72
Microsoftstore	Software	117.69

National League of Cities	Conference Registrations	2,335.00
Lexington Post Office	Postage	72.40
Amazon.com	AMI Battery / Charger	32.99
Atlantic Fountains	Plum Creek Lake Fountain	4,989.50
Kearney Winnelson	Sewer Tap Plugs	109.90
Sprinkler Warehouse	Sprinkler Repair Parts	-62.08
Assemblies of God	Fire Dept Chaplain / Counselor Training	150.00
Cabela's	Rigid Chairs for S.C.U.B.A. Team	266.33
Caldera, Geraldo	EL Rebate	180.00
Card Center/Orscheln	ST / WWTP / Fire Dept Supplies	482.16
Cash-Wa Distributing	Fire Dept Refrigerator / Food & Supplies	4,177.70
Center Point Large Print	Library Books	86.28
Central Garage Fund	Service / Repairs	11,263.22
Central Tire & Tread, Inc.	Tire Repairs	92.00
City Directory, Inc.	Directories	910.00
Copper, Michael	Yard Clean-up	100.00
Dan's Sanitation, Inc.	Sanitation Fees	2,187.84
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Central Garage Supplies	89.00
Dawson Public Power District	Power Purchase	8,819.12
Eilers Machine & Welding, Inc.	Central Garage Supplies	96.31
Electric Fixture & Supply	EL Supplies	158.40
Fagot Refrigeration & Electric Inc	WWTP Repair	101.00
Fairbanks International	Central Garage Supplies	367.87
Frauen, Brent	EL Rebate	1,200.00
Gale Group, The	Library Books	282.28
Gothenburg State Bank	Monthly EPS Pmts	2,133.36
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Supplies / Meals	147.36
Guadron, Berta	EL Rebate	125.00
Health Claims Fund	Claims	9,045.35
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Ingram Library Services	Library Books	278.63
Intellicom Computer Consulting	GGC/Muni Bldg/PK Supplies & Service	2,314.15
Kash, Lewis	EL Rebate	3,200.00
Kelly Supply Co.	WWTP Supply	181.84
Lexington, City of-General Fund	FY End Transfers	163,380.00
Lexington, City of-Landfill Fund	Annual Landfill Fund Support	20,814.29
Lexington, City of-Street Fund	FY End Transfer	358,606.00
Lexington Newspapers, Inc.	Publications	287.24
Lexington Postmaster	GGC Mailing Permit	200.00
Lexington Public Schools	Refund to Schools	6,817.50
Lexington Utilities System	Utilities	39,884.79
Lexington City Payroll Account		
Payroll	Wages	122,123.43
Social Security	Employer Portion / FICA Med	9,053.99
Union Bank & Trust	Employer Portion / Pension	3,971.00
Union Bank & Trust	Police Pension	2,028.41
ICMA	City Manager Pension	836.93
Matheson Tri-Gas, Inc.	Ambulance Supplies	96.12
Matt Friend Truck Equipment	Central Garage Supplies	1,480.00
Mead Lumber & Rental-Lexington	WWTP Supplies	47.43
Mersino Dewatering, Inc.	WWTP Improvements PJ / Rental	3,000.00
MicroMarketing LLC	Library Audio Books	44.98
Mid-State Units	Rental	560.00
Miller Mechanical Specialties.	WWTP Supplies	44.92
Nebraska Department of Revenue	Waste Reduction & Recycle Fee	25.00
Nebraska Public Power District	Power Purchase	1,009,287.16

Nebraska Tech & Telecomm, Inc.	Telephone Service	839.77
NebraskaLink	Library Service	15.00
OCLC, Inc.	Library Subscriptions	68.68
Oestreich, Dave	EL Rebate	125.00
Oriental Trading Company	Library Supplies	83.53
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	1,264.54
Platte Valley Comm. Of Kearney	Monthly Maintenance	90.00
Plum Creek Cleaners	Rug Service	561.00
Primary Electric, Inc.	WWTP Service	264.00
Randy's Body Shop	Towing Expense	100.00
Roberts Dairy Company	Beverages	309.30
S & W Auto Parts	Central Garage / ST Supplies	1,360.74
S and D Contractors	Yard Clean-up	250.00
Service Master Mid Nebraska	Cleaning Service	4,891.00
Statewide Collection, LLC	Collection Fees	400.87
Subway @ Wal-Mart	Meals	46.75
Thompson Co., The	Food & Supplies	982.13
Unisan Products	Fire Dept Supplies	108.85
Village Uniform	GGC Supplies	50.20
Wal-Mart	Supplies	160.38
AESSEAL, Inc.	WWTP Supplies	722.25
Area Services	SW Service	150.00
Berke, David	Yard Clean-up	150.00
Brown Traffic Products, Inc.	EL Supplies	850.00
Cummins Central Power, LLC	WWTP Supplies / Repair	148.23
Dan's Sanitation, Inc.	Sanitation Fees	27,419.80
Data-Pac Mailing Systems	Software Maintenance Agmt/Postage	1,995.00
Dawson County Court	Court Fees	65.00
Eakes Office Plus	Library Supplies	66.96
Fagot Refrigeration & Electric	LFAC Repair	65.00
Gale Group, The	Library Books	46.18
Great Western Bank-City Petty Cash	Meals/Fuel/Postage/Uniform/Mem Dues	167.72
Health Claims Fund	Claims	2,854.33
Ingram Library Services	Library Books	180.19
Jim Phillips Const.	ST / Sidewalk Repair	7,566.00
Knapp Electric, Inc.	WWTP Supplies	3,008.44
League of NE Municipalities	WR Workshop	40.00
Lexington, City of	Franchise Fees	79,166.48
Lexington Comm Foundation	Memorial Book / Coffee Sales	851.83
Mead Lumber & Rental-Lexington	ST Supplies	72.14
Municipal Supply, Inc.	WR Supplies	2,147.81
NE Public Health Environmental Lab	WR Testing	233.00
Physio-Control, Inc.	Ambulance Supplies	894.00
Pinnacle Bank	AMI Funding Note Interest	1,832.43
Platte Valley Comm. Of Kearney	Serv Bldg Camera Repair	35.00
Randy's Body Shop	Towing Expense	115.00
Subway @ Wal-Mart	Meals	38.10
TASC - Client Invoices	Fees	158.41
Verizon Wireless	Cellphone Service	361.75
Woo, Janet	UTL Refund	53.95

TOTAL CLAIMS: 1,958,183.04

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a special use permit application for the erection of a communications tower by Horvath Communications on property located in the vicinity of West Vine Street.

Pepplitsch reviewed the application and noted the height of the proposed tower would be 150 feet. Being no further comments, the public hearing was closed. Following discussion, moved by Salem, seconded by Vivas, to approve the special use permit application as presented. Roll call. Voting “aye” were Roberts, Vivas, Salem, Fagot. Motion carried.

REDEVELOPMENT CTRCT: Mayor Fagot opened a public hearing to consider a redevelopment contract for the Legend Oaks II project. Pepplitsch reviewed the plan, outlining the responsibilities of each involved entity. Being no further comments, the public hearing was closed. Resolution No. 2013-28 was presented. Moved by Salem, seconded by Roberts to approve Resolution No. 2013-28. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-28

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING A REDEVELOPMENT PLAN, INCLUDING A REDEVELOPMENT CONTRACT; AND RELATED MATTERS

WHEREAS, the City of Lexington, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared the area legally described in Attachment 1 attached hereto (the “Redevelopment Project Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Development Agency of Lexington, Nebraska (the “Agency”) has prepared or caused to be prepared a Redevelopment Plan, including a Redevelopment Contract (collectively, the “Redevelopment Plan”), in the form attached hereto as Attachment 2, for the redevelopment of the Redevelopment Project Area; and

WHEREAS, the Agency and the Planning Commission of the City (the “Planning Commission”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals,

order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the redevelopment contract included within the Redevelopment Plan in accordance with Section 18-2119 of the Act, and the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

Section 2. The Agency is hereby authorized to execute the Redevelopment Plan in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Agency.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be set forth in the resolution of the agency issuing the providing for the issuance of the tax increment revenue bond or indebtedness, as described in the plan. Said tax shall be divided as follows:

(a) That proportion 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 (as defined in the Act) 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 proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed,

or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

PASSED AND APPROVED this 24th day of September, 2013.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, Mayor

ATTEST: Pamela Baruth, City Clerk

PARKING RESOLUTION:

Resolution No. 2013-25 was presented. Following an overview and discussion, moved by Roberts, seconded by Vivas, to approve Resolution No. 2013-25. Roll call. Voting “aye” were Salem, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2013 - 25

WHEREAS, Lexington City Code authorizes the City Council to establish by Resolution certain parking restrictions;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that signs shall be erected and no person shall park a vehicle on Jackson Street from 5th Street to 13th Street.

PASSED AND APPROVED this 24th day of September 2013.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Baruth, City Clerk

TRUCK ROUTES:

Ordinance No. 2334 entitled “AN ORDINANCE TO AMEND SECTION 26 OF THE LEXINGTON CITY CODE; TO CREATE DESIGNATED TRUCK ROUTES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT” was presented. Following an overview and discussion, moved by Salem, seconded by Roberts, to approve Ordinance No. 2334 on first reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

PENSION AMENDMENT:

Resolution No. 2013-29 was presented. Following overview and discussion, moved by Salem, seconded by Roberts, to approve Resolution No 2013-29. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013 - 29

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

1. That in order to adopt the amendments required for police officer retirement plans of cities of the first class under Nebraska Legislative Bill 1082, the City of Lexington, Nebraska, Police Officers' Pension Plan (the "Plan") shall be, and it hereby is, amended effective July 1, 2012 in the form of the amendment submitted at this meeting and by this reference made a part of this resolution.

2. That the Mayor and appropriate officers of the City of Lexington shall be, and they hereby are, authorized to do any and all things, including the execution of any document or amendment which may be necessary or appropriate to establish and administer the amended Plan, including such actions as may be necessary or appropriate to achieve and maintain the tax qualification of the amended Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED THIS 24th DAY OF SEPTEMBER 2013.

MAYOR JOHN FAGOT

ATTEST: CITY CLERK PAMELA BARUTH

FINANCIAL REPORT:

Pepplitsch reviewed a Financial Report for August 2013. Following discussion, moved by Roberts, seconded by Salem, to accept the financial report as presented. Roll call. Voting "aye" were Vivas, Salem, Roberts, Fagot. Motion carried.

ROUNDTABLE DISCUSSION:

Pepplitsch reminded Council and Staff of the work session scheduled for Saturday, October 12, 2013, beginning at 8:00 am, and requested agenda items.

Burnside gave an update on the Jackson Street project, noting that portions of the project will be open within two weeks and the entire project should be completed by the end of October.

ADJOURNMENT:

There being no further business to come before the Council, Mayor 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