

**CITY COUNCIL  
CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 27, 2015, at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Linda Miller, Dora Vivas and Jeremy Roberts. John Salem was excused. City Officials present were City Manager Joe Peplitsch, City Attorney Brian Copley, Finance Director Barb Hodges, Development Services Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by KRVN and Clipper-Herald.

**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, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 10-13-2015:** Minutes of the Regular meeting held Tuesday, October 13, 2015, were presented. Moved by Vivas, seconded by Miller, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Miller, Vivas, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$636,152.24 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$146,550.78 from the General Fund, \$23,953.50 from Street Fund, \$19,669.00 from TIF, \$374,768.53 from LEXUS, \$30,470.15 from Sanitation, \$518.34 from Ambulance, \$36,065.44 from Health Fund, and \$4,156.50 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Miller, Roberts, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
October 27, 2015**

ABDO Spotlight Magic Wagon	Library Books	1,822.35
Alamar Uniforms	Police Uniforms	77.29
Baker & Taylor	Library Books	282.55
Bauer Built Tire	Tire Repair	16.50
Booth, Todd	EL Rebate	13,075.00
Bottom Line Health	Library Subscription	29.95
Business Card		
American Library Association	Member Dues	209.00
Country Inn Hotel	Clerk Conference Lodging	119.43
Hunan Chinese	Police Conference Meals	15.89
Meridian Rentals	PK / ST Supplies	331.22
National Registration of EMT	Two EMT Certifications	140.00
National Seminar Training	Clerk Conference	249.00
Post Office	WR Postage	138.54
Southwest Airlines	Tickets / National League of Cities	2,058.00
USA Communications	Internet Access	601.68
Valentinos	Police Conference Meals	25.47
Cash-Wa Distributing	Food & Supplies	862.26
Center Point Large Print	Library Books	86.28
Central Fire & Safety	GGC / Sprinkler Maintenance	342.00

Coca Cola/Dr. Pepper of Kearney	Beverages	80.00
Community Development Agency	CDA Legend Oaks Series 2009A	19,669.00
Davis Energy, Inc.	Fuel	91.59
Dawson County Court	Court Fees	51.00
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	12,890.49
Dugan Business Forms	Utility Bills	1,525.38
Dutton-Lainson	EL Supplies	41.30
Eakes Office Solutions	Library / Ink & Toner	865.88
Electrical Engineering & Equipment, Co.	Conduit for Fieldhouse	405.68
Energy Pioneer Solutions	EPS Payments	2,529.87
Gale/Cengage Learning	Library Books	244.70
Gnirk Lawn Care	PK Ground Maintenance	330.00
Good Housekeeping	Library Subscription	24.97
Grainger	WWTP Service	19.66
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Supplies / Food	296.44
HD Supply Waterworks	Electric Meters	1,498.00
Health Claims Fund	Claims	28,528.60
Hiland Dairy Foods Company LLC	Food & Beverages	213.70
Holbein, Dahlas	Fire Equipment Maintenance	1,000.00
HOA Solutions, Inc.	WWTP Scada Recovery	1,609.50
Hundley, Nancy	EL Rebate	800.00
Ingram Library Services	Library Books	295.21
Intellicom Computer Consulting, Inc.	ESS Setup / Internet Cutover	1,339.09
Jaimes, Ana Maria	EL Rebate	1,200.00
John Deere Financial	CEM Parts	141.96
Johnson Service Company	Clean & Vac Sewer Lines	2,137.50
Kovels on Antiques and Collectables	Library Subscription	27.00
Lexington Newspapers	Publications	247.44
Lexus	Utilities	33,823.26
Mead Lumber & Rental - Lexington	ST Supplies	109.84
Midland Scientific, Inc.	WWTP Testing Supplies	787.32
Miller & Associates	Professional Services	915.00
Municipal Supply, Inc.	PK / WR Supplies	2,021.97
Nava, Armando	EL Rebate	1,200.00
Nebraska Library Association	Membership Fees	1,021.30
Nebraska Public Power District	O & M	153,417.51
Nebraskaland Magazine	Library Subscription	18.00
Neil Farms	CEM / PK / ST Repair	1,879.92
OCLC, Inc.	Library Subscription	108.31
O'Hara Lindsay and Associates, Inc.	Lobbying Service	1,000.00
Oliver Consulting Services, Inc.	Library Computer Service	4,065.00
Overton Community Center	Meals on Wheels	100.00
Paulsen Inc.	ST Repair	501.38
People	Library Subscription	116.07
Platte Valley Communications	MO Maintenance / Camera / Radio Repair	495.72
Police Chiefs Association of Nebraska	Membership Fees	50.00
Police Officers Association of Nebraska	Membership Fees	315.00
Presto-X	Fire Dept Service	89.77
Read Aloud Nebraska	Conference Registration	50.00
Ripp, Scott	EL Rebate	1,200.00
S & W Auto Parts	WR / SW / PK / ST Supplies	329.85
Service Master of Mid Nebraska	Cleaning Service	5,084.25
Sign Pro	Signs	65.00
Soccer Internationale	Goals for Fieldhouse	9,204.00
Statewide Collections LLC	Collection Fees	643.94
TL Sund Constructors	EL Rebate	900.00

Thompson Co, The	Food & Supplies	375.01
Thomsen, Kathleen	NLA Conference Expenses	241.89
U-Save Business Equipment	Office Supplies	337.80
Village Uniform	GGC Supplies	50.84
Vision Technology Solutions LLC	Monthly Website Fee	243.10
Vivas, Dora	EL Rebate	1,025.00
Walmart	Supplies	608.14
Wesco Receivables Corp	Street Light Fixtures	46,000.00
Wingate by Wyndham	Police Conference Lodging	175.90
Bauer Built Tire	Tire Change	50.00
Cash-Wa Distributing	Food & Supplies	456.56
Dan's Sanitation	Sanitation Fees	30,470.15
Davis Energy, Inc.	Fuel	181.84
Eakes Office Solutions	Library / Bags	25.99
Electrical Engineering & Equipment, Co.	Tool for DCOC	31.44
Grand Island Independent, The	Library Subscription	296.45
Great Western Bank-City Petty Cash	Postage / Meals	155.75
Great Western Bank-Lib. Petty Cash	Postage / Craft Supplies	52.87
Hiland Dairy Foods Company LLC	Food & Beverages	243.63
Jamie's Garage	ST Vehicle Repair	60.00
Lexington City Payroll Account		
Payroll	Wages	128,530.61
Social Security	Employer Portion / FICA Med	9,541.23
Union Bank & Trust	Employer Portion / Pension	4,295.57
Union Bank & Trust	Police Pension	2,367.04
ICMA	City Manager Pension	865.69
Lexington, City of	Franchise Fees	76,593.44
Lexington Newspapers	Publications	21.26
Mead Lumber & Rental - Lexington	WWTP Setting Bed Repair	58.56
Nebraska Salt & Grain Co	Ice Control Salt	1,537.57
Nebraska Public Health Environmental Lab	WR Testing	1,860.00
Orthman Community YMCA	Memberships	891.90
Photography by DeeAnn	Official Photograph	1,376.00
S & W Auto Parts	PK / ST Supplies	285.69
Service Master of Mid Nebraska	GGC / Kitchen Maintenance	78.75
TASC	Administration Fees	182.84
Thompson Co, The	Food & Supplies	645.66
Tyler Technologies, Inc.	Barcode Scanner Maintenance	93.17
US Dept of HHS CMS	ACA Transitional Reinsurance Fee	7,304.00
Verizon Wireless	Cellphone Service	355.37
WPCI	Drug Test	50.00
	<b>TOTAL CLAIMS:</b>	<b>636,152.24</b>

**FINANCIAL REPORT:** Moved by Roberts, seconded by Vivas, to accept the financial report for September 2015 as presented. Roll call. Voting “aye” were Miller, Vivas, Roberts, Fagot. Motion carried.

**CONDITIONAL USE PERMIT:** Mayor Fagot open a public hearing to consider a conditional use permit application for property located at 203 E Pacific. Brecks indicated that the owner and tenant of the property would like to expand the current vehicle sales business to include low volume mechanical service work which is only allowable by conditional use in a C-2 zoned area. He noted the Planning Commission recommended approval of the conditional use with a restriction of only three vehicles to be stored outdoors on the property for service activities. Peplitsch reviewed a draft conditional use agreement, which included the vehicle storage restriction. Mr. Nava, property tenant, supported the application. With no further comment, the public hearing was closed. Following discussion, moved by Vivas, seconded by Miller, to approve the conditional use permit application as the use is deemed appropriate per conditional use standards, and authorize execution of the

conditional use agreement as presented. Roll call. Voting “aye” were Roberts, Miller, Vivas, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider an amended redevelopment plan for Redevelopment Area #1. Peplitsch reviewed the amended plan, including the establishment and paving of Commerce Road approximately 425’ west of the current Commerce Road/Hwy 283 intersection and associated storm water drainage. He noted that excess TIF proceeds were realized from the original project and the amended plan would utilize those funds to construct the public improvements. He also noted the CDA and the Planning Commission have both reviewed the amended plan and recommend approval. Following discussion, the public hearing was closed. Resolution No. 2015-17 was presented. Moved by Miller, seconded by Vivas, to approve Resolution No. 2015-17. Voting “aye” were Roberts, Vivas, Miller, Fagot. Motion carried.

#### **RESOLUTION NO. 2015-17**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING AN AMENDED REDEVELOPMENT PLAN AND RELATED MATTERS.**

WHEREAS, the city of Lexington, Nebraska, a municipal corporation (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 Exhibit A 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 “Community Development Agency”) has prepared an Amended Redevelopment Plan (the “Redevelopment Plan”), in the form attached hereto as Exhibit B, for the redevelopment of the Redevelopment Project Area; and

WHEREAS, the Community Development 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 City 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 CITY 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 Community Development 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 (b) 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.

Section 2. The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Agency in its sole and absolute discretion.

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 is January 1, 2001. 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 27th day of October, 2015.**

**CONTRACT:** Peplitsch reviewed a proposed wholesale power contract with Nebraska Public Power District, to become effective January 1, 2016. Following discussion, moved by Miller, seconded by Roberts, to approve the proposed 2016 Wholesale Power Contract (Option A) and authorize the City Manager to execute the contract. Roll call. Voting “aye” were Vivas, Roberts, Miller, Fagot. Motion carried.

**ENGINEERING SERVICES:** Peplitsch reviewed the process taken to procure engineering services for the pending CDBC Project No. 14-CIS-002. He indicated staff recommends awarding Miller & Associates a contract for the services. Following discussion, moved by Roberts, seconded by Miller, to award engineering services for CDBG 14-CIS-002, contingent upon grant award release. Roll call. Voting “aye” were Vivas, Miller, Roberts, Fagot. Motion carried.

**APPOINTMENT:** Fagot proposed that Cheryl Burnside be appointed to the Library Board to fill a current vacancy. Moved by Miller, seconded by Roberts, to approve the appointment as presented. Roll call. Voting “aye” were Vivas, Roberts, Miller, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update on current projects.

**ADJOURNMENT:** There being no further business to come before the Council, 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