

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
May 11, 2021**

A Regular Meeting of the Lexington City Council was held Tuesday, May 11, 2021, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Dora Vivas, Steve Smith and Jeremy Roberts. John Salem was absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, and City Clerk Pamela Baruth. The press was represented by Clipper-Herald and Tri-City Trib.

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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 4-27-2021: Minutes of the Regular meeting held Tuesday, April 27, 2021, were presented. Moved by Vivas, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

MINUTES – WORK SESSION 5-1-2021: Minutes of the Work Session held Saturday, May 1, 2021, were presented. Moved by Smith, seconded by Roberts, to approve minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$922,220.63 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$309,510.43 from General Fund, \$151,4163.01 from Street Fund, \$141,041.82 from TIF, \$273,113.35 from LEXUS, \$29,374.30 from Sanitation, \$739.13 from Ambulance, \$13,656.46 from Health Fund, and \$3,369.13 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
May 11, 2021**

Ask Supply Company	ST / Parts / Supplies	161.93
Asphalt Research Technology/EZ Street Co	ST / Cold Patch	2,350.88
B & H Services / Service Master	EL / GGC /OC / Cleaning Service	5,337.13
Baker & Taylor	LB / Books	720.77
Barco Municipal Products	CEM / ST / Shovels	205.89
Bauer Built	PK / Tires	342.01
Bauer Underground	Prep Work/Solar Install/20th&Airport Rd	11,833.74
Black Hills Energy	Natural Gas Service	684.75
Blue to Gold	PD / On-Demand Education	129.00
Cash-Wa Distributing	MOW / Food & Supplies	1,519.29

Cengage Learning	LB / Books	201.63
Citibank NA / CNH / Titan Machine	ST / WWTP / Equipment Rental / Parts	2,323.02
City of Lexington	Utility Franchise Fees	202.57
City of Lexington / GF	Interdepartmental Service Fees	55,749.00
City of Lexington / ST	SW/WR/Interdepartmental Service Fees	5,651.89
	Fuel Purchase	11,017.45
Community Development Agency	TIF / Area #1 / Sund Investments	1,882.50
County of Dawson - Register of Deeds	Filing Fees	50.00
Dan's Sanitation	Sanitation Fees	14,933.40
Davis Energy	FD / Fuel	261.66
Dawson County Communications	DC / Dispatch Fees	59,500.00
Dawson Public Power District	Power Purchase	79.89
Depository Trust	2020 CU Revenue Bond Pymt/Interest	12,252.50
Dell Marketing	WWTP / Computer / Monitor	1,533.87
Electrical Engineering & Equipment	EL / Street Light Fuses / Conduit	185.27
Fagot Refrigeration & Electric	EL/GGC/ST/Heat Pump/Heater/Repairs	9,096.91
Fastenal Company	ST / Supplies	48.18
Felsburg Holt & Ullevig	DS/Stormwater / Professional Services	2,702.73
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Co	WWTP / Lab Supplies	208.16
Health Claims	Claims	4,322.95
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	225.39
Holbein Lawn Service	FD / Mowing / April	165.00
Ingram Library	LB / Books	381.19
Intellicom	Tech Support / Software	2,562.25
Intermedia.com	ND / Web Phone Charges	279.90
Invest Plus / Plum Creek Market Place	LB / MOW / Food / Supplies	42.49
John Deere Financial	AC/CEM/PK/REC/ST/WR/WWTP/Spls	766.60
Jones Plumbing & Heating	GGC/PD/REC/WR/WWTP/Svc/Reps/Parts	1,658.19
Kohl, Patrick J/Kohl Welding & Machining	ST / Equipment Repairs / Set-Up	333.10
LEE BHM / Lexington Clipper Herald	Publications	1,730.91
Lexington Area Solid Waste	Waste Removal	1,597.55
Lexington, City Payroll Account		
Payroll	Wages	154,495.84
Social Security	Employer Portion / FICA Med	11,539.19
Union Bank & Trust	Employer Portion / Pension	4,897.13
Union Bank & Trust	Police Pension	3,175.33
ICMA	City Manager Pension	951.23
Mead Lumber	AC / DS / PK / Supplies	84.43
Melson, Dane / Anytime Fitness	Fitness Memberships	149.95
Micromarketing	LB / Books	190.45
Miller & Associates	ST / Professional Service	39,773.55
Morris Press	GGC / Newsletter	106.00
Nebraska Dept of Revenue	Sales and Use Tax	62,495.51
Nebraska Mosquito & Vector Control Assn.	2021 Membership Dues/Nichols/Rios	130.00
Nebraska Tech & Telecommunications	Phone Service	1,196.74
Nebraska Water Experts / Culligan	Soft Water Supplies	410.52
Nebraskaland Tire	ST / Oil & Lube	67.43
Norton, Jennifer	LB / Mileage	202.72
O'Hanlon Seed	PK / Grass Seed	122.00

O'Hara Lindsay and Associates	Lobbying Services / 2021 Registration	333.00
Oliver Consulting Services	LB / Monthly Backup / Support	20.00
One Call Concepts	Locates	183.85
Page My Cell	FD/Dispatch to Text Svc /Subscription	550.00
Platte Valley Auto Mart	PD / Oil & Lube	113.26
Platte Valley Communications	PD / Maintenance	90.00
Precision Detail / Julie Thalman	FD/Firehall Cleaning Svc/April 2021	350.00
Quick Med Claims	AMB / Billing	656.72
Quiltmaker Magazine	LB / Annual Subscription	22.97
Rentokil NA / Presto-X	WWTP / Pest Control	52.00
Roberts, Lyle	PK / Reimbursement / Safety Boots	53.50
RuralMed Management Resources	GGC / Foot Clinic	60.00
S & W Auto Parts	PK / ST / WWTP / Parts / Supplies	76.60
Schroeder, Mickey L / Platte Valley Glass	LB / Replacement Shelf	29.50
Sigma-Aldrich	WWTP / Lab Supplies	794.32
Titan Machinery Inc / Lexington	ST / Rhino TS10 Rotary Mower	12,500.00
Titan Machinery Inc / Lexington	WWTP / Case IH Tractor Repairs	34,381.20
TL Sund Constructors	Street Reps/Effluent Control Structure	9,790.00
TO Haas	ST / Parts	60.67
Tyler Technologies	EL / Equipment Maintenance	315.11
US Foods	MOW / Food & Supplies	963.11
USA Communications	City Internet Services	345.60
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	581.50
Wesco Distribution	EL / Parts / LED / Downtown Lighting	1,968.75
Axxent Building & Doors	ST / Door Repair	281.43
B & H Services	FD / Strip & Refinish / Fire Hall Floors	1,256.05
Baker & Taylor	LB / Books	233.74
Bauer Built	ST / Tires	527.71
Community Development Agency	TIF/DesignerCraft/HNB 1&2/Orthman/TheRow 1&2	139,159.32
Country Partners Coop	CEM/PK/Fertilizer / Equipment Rental	3,863.46
Danko Emergency Equipment	FD / Uniform Alteration	38.00
Davis Energy	FD/PK/ST/Fuel/Oil/Fuel Purchase	4,727.08
Ditch Witch / Undercon	ST / Equipment Parts	223.16
Downey Drilling	ST/SW/Dewatering Well/St Anns East Adtn	35,428.50
Dutton-Lainson Company	EL / Meter Hubs	74.05
Fagot Refrigeration & Electric	WR / Well #19 / Wiring Check	75.00
Great Western Bank	LB / Petty Cash	271.78
Health Claims	Claims	9,333.51
Heartland Chevrolet Buick	PD / Oil & Lube	48.98
Hiland Dairy Foods	MOW / Dairy Products	133.94
Home Federal Bank Lehman	Land Purchase	61,784.79
Ideal Laundry & Cleaners	Rug Service / April 2021	732.32
J & A Traffic Products	ST / Sign Posts / Anchors	1,612.50
John Deere Financial/Landmark Implement	CEM / PK / Equipment Repairs	243.26
Kirks Trenching&Septic/Johnny On the Spot	CEM / Portable Rental	75.00
Lexington Health Fund	Self-Funding	44,204.35
Mosely, Theresa	REC / Baseball Shirts	1,794.27
Municipal Supply	WR / Parts	172.05
Nebraska Rural Radio Association	EL/NPPD Cooperative Advertisements	208.80
Odeys	PK / Parts	78.97

Quadient Postage Funding	Postage	3,000.00
S & W Parts Company	PK / Parts	10.38
South Central Nebraska Baseball League	REC / Team Entry Fees	300.00
TL Sund Constructors	East City Yard Access Drive	48,435.75
US Foods	MOW / Food & Supplies	426.59
Verizon Wireless	Cellular / Jetpack Service	370.45
Village Cleaners	GGC / Janitorial Supplies	58.12
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
	TOTAL CLAIMS:	922,220.63

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the proposed Levander Redevelopment Contract for a project in Redevelopment Area #1. Pepplitsch reviewed the redevelopment contract, noting the private investment and TIF assistance needed. Brian Levander, redeveloper, stated Lexington is a good fit for their business plan and is excited to be a part of the community. There were no public comments, and the public hearing was closed. Resolution No. 2021-11 was presented. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2021-11. Roll call. Voting “aye” were Roberts, Smith, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2021 - 11

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 the plan uses funds authorized in Section 18-2147 of the Act; (i) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing; (ii) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing; and (iii) the costs and benefits of the redevelopment 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 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 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. The Agency is hereby authorized to execute the redevelopment contract contained within the Redevelopment Plan and to take all actions necessary and convenient to implement the Redevelopment Plan.

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 Redevelopment Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be set forth in the Redevelopment Contract. 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 City Manager is 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 11th day of May, 2021.

HOUSING DEVELOPMENT AGREEMENT: Peplitsch reviewed a proposed development agreement with the CDA and Lacy Construction Company. He explained the agreement would be for the construction of up to 40 workforce housing units by Lacy Construction over 24 months on property owned by the City/CDA. Following discussion, moved by Smith, seconded by Roberts, to approve the development agreement as presented and to authorize the City Manager to execute necessary documents to effectuate the agreement. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

RESOLUTION: Resolution No. 2021-12 was presented. Peplitsch reviewed the transfer of property to the CDA for housing development purposes. Moved by Roberts, seconded by Vivas, to approve Resolution No. 2021-12 as presented. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2021 – 12

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA, AUTHORIZING AND DIRECTING THE TRANSFER OF REAL ESTATE TO THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.

WHEREAS, the City of Lexington owns certain real estate for the purpose of residential housing development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is preparing a housing development project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said development project by transferring title to said real estate to the Community Development Agency.

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

That the City Manager is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Development Agency of Lexington, Nebraska, the following described real estate, to-wit:

Lots 1, 2, 3, 4, 5, and 6, Block One, O'Donnell Fourth Addition to the City of Lexington, Dawson County, Nebraska; and

Lots 1, 2, 3, 4, and 5, Block Two, O'Donnell Fourth Addition to the City of Lexington, Dawson County, Nebraska; and

Lot 3, Administrative Replat of Lot 1, Block One, Northwest Fourth Addition to the City of Lexington, Dawson County, Nebraska.

Passed and approved May 11, 2021.

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