

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 22, 2014, 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, Linda Miller, Dora Vivas, and Jeremy Roberts. City Officials present were City Manager Joe Pepplichtsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Development Services Manager Bill Brecks, Finance Director Barb Hodges, Chief of Police Tracy Wolf and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald, 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 4-8-2014 Minutes of the Regular meeting held Tuesday, April 8, 2014, were presented for Council consideration. Moved by Vivas, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

MINUTES – SPECIAL MEETING 4-15-2014 Minutes of the Special meeting held Tuesday, April 15, 2014, were presented for Council consideration. Moved by Roberts, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,835,102.30 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$325,072.28 from the General Fund, \$22,745.81 from Street Fund, \$223,398.69 from TIF, \$1,415,215.24 from LEXUS, \$29,585.53 from Sanitation, \$2,353.17 from Ambulance, \$13,685.00 from Health Fund, and \$3,046.58 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 22, 2014

Adams, Linda	EL Rebate	30.00
AFLAC	Premium	1,324.42
Anderson Graphics	Library Service	129.75
Annie's Attic Books	Library Book	19.94
Axis Capital Inc.	Mail Machine Payment	840.00
Baker & Taylor	Library Book	13.19
Bloomberg Businessweek	Library Subscription	74.90
Blue Cross Blue Shield of Nebraska	Ambulance Refund	122.74

Brown Traffic Products, Inc.	ST Supplies	824.00
Cash-Wa Distributing	Food & Supplies	699.20
Center Point Large Print	Library Books	86.28
Central Tire & Tread, Inc.	Tire Repair	32.00
Coca-Cola/Dr Pepper Bottling of Kearney	Beverages	80.00
Community Development Agency	TIF Area #1 Fertitta Addition	6,440.85
Conney Safety	ST / PK / WWTP Supplies	513.11
Copper, Michael	Yard Clean-up	230.00
Copycat Printing	Development Services Supplies	582.45
Danko Emergency Equipment	Fire Dept Gear	7,982.01
Davis Energy, Inc.	Fuel	4,377.74
Demco Inc.	Library Supplies	239.53
Depository Trust Company	2013B Combined UTL Refunding Bond	26,613.69
Diamond Vogel Paint	SW Supplies	137.16
Edgerton Explorit Center	Library Science Discovery Day	1,861.10
Energy Pioneer Solutions	EPS Payments	3,436.49
Eustis Body Shop	Vehicle Repair	490.00
Fairbanks International, Inc.	WWTP Repair / Service	827.34
Fastenal	WWTP Maint Service	114.32
FYR-TEK, Inc.	Fire Dept Maint Service	1,878.10
Gale/Cengage Learning	Library Books	281.89
Grainger	WWTP Door Repair	303.00
Great Western Bank	CED Addition	46,607.65
Great Western Bank-Lib. Petty Cash	UPS/Postage/Stamps/Spls/Meals	252.57
Halsen Products Company	ST Supplies	691.88
Hawkins, Inc.	Pool Chemicals	5,225.30
HD Supply Waterworks	WR Meter Supplies	15,471.42
Health Claims Fund	Claims	12,360.58
Hiland Dairy Foods	Beverages / Food	237.41
Holbein, Dahlas	Fire Dept Maint/Cleaning Service	1,000.00
Home Federal Savings	DCOC Phase III	109,723.04
IES Commercial, Inc.	Crane / Manlift Rentals	3,816.16
Ingram Library Services	Library Books	948.96
Intellicom Computer Consulting, Inc.	Billing/Software Survey/Backup/Svc	1,029.69
John Deere Financial	Central Garage Supplies	10.56
Lexington Newspapers, Inc.	Publications	728.55
Lexington Public Schools	CDBG / Majestic Theatre	6,408.00
Lexington Regional Health Center	Wellness / Laundry	346.00
Lexington Regional Home Health	GGC Clinic	400.00
Lexington Utilities System	Utilities	36,716.13
Lexington City Payroll Account	Wages	123,838.94
Payroll	Employer Portion / FICA Med	9,175.03
Social Security	Employer Portion / Pension	4,049.00
Union Bank & Trust	Police Pension	2,403.75
Union Bank & Trust	City Manager Pension	836.93
ICMA	WR Supplies	560.00
Lincoln Winwater Works	ST Uniforms	396.87
Linda's Stitches and Creations	WWTP Supplies	39.98
Mead Lumber & Rental	Library Books	75.48
Micromarketing LLC	Ambulance Supplies	1,253.66
Moore Medical LLC	WR Supplies	9,136.53
Municipal Supply	Library Registration	10.00
Nebraska Library Commission	Ambulance Refund	83.13
Nebraska Medicaid	Power Purchase	1,043,552.21
Nebraska Public Power District		

Nebraska Public Power District	O & M	99,804.31
Nebraska Public Power District	Large Capital PJ's	80,559.92
NE Public Power District/Dawson Canal	Complete Coverage Pump & Tap	2,044.80
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,088.83
OCLC, Inc.	Library Subscription	120.90
O'Hanlon Seed, Inc.	PK / Cem Grass Seed	776.00
Overton Community Center	Meals on Wheels	100.00
Oxmoor House	Library Book	19.98
Page My Cell	Ambulance Service	500.00
Penworthy Company	Library Books	3,515.46
Platte Valley Auto Mart	Vehicle Service	85.73
Plum Creek Market Place	Food / Supplies	80.81
Presto-X	Library / Fire Dept Service	191.35
Ryde Transit	Transportation	16.00
S & W Auto Parts	WWTP / Police Supplies	48.66
Service Master of Mid NE	Cleaning Service	4,821.00
Sigma-Aldrich	WWTP Testing Supplies	589.10
Steve's Lock & Key	PK Service / Supplies	296.80
Subway @ Walmart	Meals	99.00
Taste of Home Books	Library Book	31.98
Thompson Co., The	Food / Supplies	557.25
Tyler Technologies, Inc.	Software Education	175.00
University of Nebraska at Omaha	Clerk Institute Registration	223.00
USA Blue Book	WWTP Testing Supplies	251.89
Village Uniform	GGC Supplies	84.30
Wal-Mart	Supplies	598.43
YMCA of Lexington	Youth Baseball Sponsor/Wellness	781.30
ADA Solutions, Inc.	ST Supplies	2,575.00
Aesseal, Inc.	WWTP Supplies	705.98
Bernie & Pat's Custom Frame Shop	Tree Board Expense	64.25
Business Card		
School Resource Officer Schooling	Meals / Fuel	736.13
Microsoftstore.com	Dev Serv/UTL/ST/GGC Software	1,016.46
Smartdraw	UTL Software	516.95
Logmein	Software Renewal	249.00
Human Factor	Police Manuals	393.75
American Red Cross	Lifeguard Teaching Class	350.00
World's Largest Swimming Lesson	Membership Dues	59.00
Quicken Software	GGC Software	25.95
Enterprise	EL Supplies	194.50
Post Office	WR Sample Postage	85.60
Sprinklerwarehouse.com	PK / Cem Supplies	326.73
American Chamber/Commerce Resources	NE HR Library/Subscriptions	288.00
Intelius.com	Police Supplies	0.99
Peoplesmart.com	Police Supplies	0.95
Card Center/Orscheln	WR/ST/PK/Cem/WWTP/CG Spls	760.18
Central Tire & Tread, Inc.	Tire Repair	39.00
Community Development Agency	Property Tax TIF Area #1/Area #2	16,957.84
Copper, Michael	Yard Cleanup	200.00
D & R Computing, Inc.	Computer Repair	100.00
Dan's Sanitation	Sanitation Fees	29,585.53
Dos Mundos	Library Subscription	45.00
Downey Drilling, Inc.	SW Supplies	51.58
Eakes Office Plus	Intact Support / Maintenance	1,547.00
Fagot Refrigeration & Electric, Inc.	Well #13 Repair	323.03
Great Western Bank-Lib Petty Cash	Postage	9.18
Hach Company	WWTP Testing Supplies	403.10

Ingram Library Services	Book	15.79
Intellicom Computer Consulting, Inc.	Set up Backup Cleaning Tape	166.92
Lexington, City of	Franchise Fees	72,943.44
Lexington Newspapers, Inc.	Publications	371.30
Lincoln Winwater Works	WR / Cem Supplies	486.83
Luther, Ann	Lifeguard Training Fees / Mileage	64.56
Mid-American Research Chemical	SW / WR Supplies	242.32
Municipal Code Corp.	Dev Services Code Books	1,141.28
Municipal Supply, Inc.	WR Supplies	208.08
Nebraska Dept of Labor	Unemployment	4,119.25
Nebraska Library Commission	Library Seminars	20.00
Paulsen, Inc.	Concrete	190.46
Platte Valley Comm. of Kearney	Police Radio / Mo Maintenance	851.70
Tyler Technologies, Inc.	Email Billing Setup	875.00
Verizon Wireless	Cellphone Service	362.28
	TOTAL CLAIMS:	1,835,102.30

FINANCIAL REPORT: Moved by Salem, seconded by Vivas, to accept the financial report for March 2014 as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

ORDINANCE NO. 2344: Ordinance No. 2344 entitled “AN ORDINANCE TO AMEND SECTIONS 109-01 THROUGH 109-13 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTIONS 109-01 THROUGH 109-13 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented on second reading. Following discussion regarding the updated sign regulations, moved by Salem, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Vivas, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Roberts, to approve Ordinance No. 2344 on final reading. Roll call. Voting “aye” were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.

STREET CLOSURE: Mike Lonowski requested temporary street closures to hold a car show/fundraising event on Sunday, May 26, 2014. He outlined the event and planned activities. Following discussion, moved by Miller, seconded by Salem, to authorize street closures for the event and direct staff to coordinate such closures with the event organizer. Roll call. Voting “aye” were Vivas, Salem, Miller, Fagot. Motion carried.

RBEG APPLICATION: Jen Wolf, DAD, reviewed an application to the USDA Rural Development-Rural Business Enterprise Grant (RBEG) program. The funds are intended to help renovate unfinished space in the Dawson County Opportunity Center to be used as a business incubator. Following discussion, Resolution No. 2014-11 was presented. Moved by Miller, seconded by Salem, to approve Resolution No. 2014-11. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

RESOLUTION OF THE
CITY OF LEXINGTON, NEBRASKA
FOR A \$98,000 RURAL BUSINESS ENTERPRISE
GRANT FROM RURAL DEVELOPMENT

WHEREAS, the City of Lexington (hereinafter called Grantee) intends to apply for a Rural Business Enterprise Grant in the amount of \$98,000 from the United States of America, acting through Rural Development (“the agency”), United States Department of Agriculture, acting under the provisions of the Rural Business Enterprise Grant Program (7 C.F.R. Part 1942, Subpart G) for the purpose of renovating the Opportunity Center to attract small entrepreneurial start-up businesses to the Lexington, Nebraska area.

WHEREAS, as a condition to and in consideration of receiving financial assistance in the form of the Rural Business Enterprise Grant from the agency, this Resolution is being adopted.

THEREFORE, in consideration of the premises, Grantee agrees as follows:

- (1) The Grantee hereby applies for, approves and accepts a Rural Business Enterprise Grant in an amount not to exceed \$98,000 in accordance with the terms specified in the Application for Federal Assistance Grants (RD Instruction 1942, Subpart G) copies of which have been provided to us.
- (2) The Mayor and City Manager are hereby authorized and directed to apply for, approve, accept and take all actions necessary to obtain and complete the requirements of the Rural Business Enterprise Grant under the terms offered by the agency.

The Resolution shall be in force and effect immediately.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to discuss a Phase 2 Year 1 application to the Comprehensive Investment and Stabilization program. Deb Jensen, DAD, reviewed the application and accompanying exhibits for infrastructure improvements along 5th and 6th Streets from Grant to Lincoln Streets. Following the public comment period, the public hearing was closed. Resolution No. 2014-12 was presented. Moved by Roberts, seconded by Vivas, to approve Resolution No. 2014-12. Roll call. Voting “aye” were Miller, Salem, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2014-12
RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR CDBG FUNDS

Whereas, the City of Lexington, Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City of Lexington, Lexington, Nebraska, has obtained its citizens’ comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application for an amount of \$532,000 for street, water, and storm sewer improvement (Comprehensive Investment and Stabilization project); and,

NOW, THEREFORE, BE IT RESOLVED BY

The Lexington City Council of the City of Lexington, that Joe Peplitsch, City Manager, be authorized and directed to proceed with the formulation of

any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to affect acceptance of the grant application.

Moved by Miller, seconded by Salem, to approve the following exhibits in regard to the CIS application: Statement of Assurances and Certifications, Citizen Participation Plan, Residential Anti-displacement and Relocation Assistance Plan, and the FFATA Reporting Form/Certification. Roll call. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

APPOINTMENT:

Ordinance No. 2345 entitled "AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Following discussion, moved by Miller, seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

Ordinance No. 2345 was presented on final reading. Moved by Miller, seconded by Roberts, to approve Ordinance No. 2345 on final reading. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

AGREEMENT:

Peplitsch reviewed a construction engineering agreement with Olsson Associates for the 6th Street Improvement project, PN URB-6552(1), CN 61554. Following an update of the project, Resolution No. 2014-13 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2014-13. Roll call. Voting "aye" were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2014-13
SIGNING OF A PROFESSIONAL CONSTRUCTION SERVICES
AGREEMENT
CITY OF LEXINGTON, NEBRASKA

Whereas: City of Lexington is developing a transportation project for which it intends to obtain Federal funds;

Whereas: City of Lexington as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies, and guidelines applicable to the funding of the Federal-aid project;

Whereas: City of Lexington and Olsson Associates, Inc. wish to enter into a Professional Construction Engineering Services Agreement to provide construction engineering services for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington, Nebraska that:

John Fagot, Mayor of the City of Lexington, Nebraska is hereby authorized to sign the attached Construction Engineering Services Agreement between the City of Lexington, Nebraska and Olsson Associates, Inc.

NDOR Project Number: URB-6552(1)
NDOR Control Number: 61554
Project Location: 6th Street, Grant-Taft, Lexington.

Adopted this 22nd day of April, 2014, at Lexington, Nebraska.

ORDINANCE:

Ordinance No. 2346 entitled "AN ORDINANCE TO DECLARE AN EMERGENCY; TO DIRECT THE PURCHASE AND INSTALLATION OF A REPLACEMENT SPORTS LIGHTING SYSTEM AT THE OPTIMIST RECREATION COMPLEX; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Following discussion, moved by Vivas, seconded by Salem, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

Ordinance No. 2346 was presented on final reading. Moved by Miller, seconded by Roberts, to approve Ordinance No. 2364 on final reading. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2014-14 was presented. Following discussion, moved by Miller, seconded by Salem, to approve Resolution No. 2014-14. Roll call. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

RESOLUTION 2014 - 14

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR OPTIMIST COMPLEX LIGHTING RENOVATIONS.

WHEREAS, the City of Lexington, Nebraska has entered into an agreement for the renovation of the lighting system at the Optimist Complex; and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of such renovations; and

WHEREAS, the City of Lexington, Nebraska is authorized by law to borrow funds to pay the cost of such renovations.

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

1. That the City of Lexington, Nebraska is hereby authorized to contract for financing with Homestead Bank, Lexington, Nebraska. The loan amount shall not exceed \$400,000.00 for a term of 7 years at an interest rate of 2.90%.
2. That Joe Peplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 22nd day of April, 2014.

PAY REQUEST:

Peplitsch reviewed Pay Request #13 from BRB Contractors Inc. for the WWTP Improvement project in the amount of \$600,862.00. Following a project update, moved by Vivas, seconded by Salem, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch noted that there is an opportunity to refinance a series of outstanding revenue bonds and information will be provided for Council discussion. He will also forward potential dates for a future work session.

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