

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 28, 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, Finance Director Barb Hodges, Development Services Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald, Kearney Hub, and KRVN Radio. Also in attendance were Deb Jensen, DAD; Jeff Ray, JEO Consulting; Jeff Wiley, Victor Diaz, and Clinton Witt.

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 1-14-2014: Minutes of the Regular meeting held Tuesday, January 14, 2014, were presented for Council consideration. Moved by Salem, seconded by Vivas, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

MINUTES – WORK SESSION 1-18-2014: Minutes of the Work session held Saturday, January 18, 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 \$554,462.86 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$169,632.81 from the General Fund, \$66,070.02 from Street Fund, \$269,352.55 from LEXUS, \$29,537.63 from Sanitation, \$2,222.22 from Ambulance, \$12,358.30 from Health Fund, and \$5,289.33 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Robert, Salem, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
January 28, 2014

AESSEAL, Inc.	WWTP Supplies	694.38
AFLAC	Premium	1,324.42
Alamar Uniforms	Uniform Expense / Firearm	2,375.82
Axis Capital, Inc.	Mail Machine Payment	840.00
Barco Municipal Products, Inc.	ST Supplies	632.05
Business Card		
Colorado Chapter of the ICC	Conference Registrations	375.00

SurveyMonkey.com	Dev Services Online Subscription	299.45
ARC*Services/Training	Lifeguard Management Class	58.00
Johnson Jewelry, Inc.	Retirement Gift	79.99
NetNanny	Library Software	59.98
Lexington Post Office	WR Sample Postage	65.10
Apple iTunes	Police iPad Apps	5.34
Card Center/Orscheln	Cem / WR / ST / WWTP Supplies	354.21
Cash-Wa Distributing	Food / Supplies	1,375.39
Center Point Large Print	Library Books	86.28
Central Tire & Tread, Inc.	Tire Repair	150.00
Chief Supply Co.	Uniform Expense	49.75
Consolidated Management Co.	Police School Meals	371.00
Contryman Associates, P.C.	Audit Fees	18,000.00
Cornhusker Energy Lex LLC	Incentive Rebate	10,500.00
Creative Product Source, Inc.	Library Supplies	117.03
Data-Pac Mailing System	Postage	1,500.00
Davis Energy, Inc.	Fuel / Propane	4,894.08
Dawson County Treasurer	Property Tax for 305 W Elm	450.24
Dawson Pest Control	DCOC Service	54.60
Eakes Office Plus	Library Supplies	107.92
Egan Supply Company	ST Supplies	232.84
Electric Engineering/Equipment	ST / Library Supplies	134.35
Energy Pioneer Solutions	Monthly EPS Pymts	3,359.21
Fagot Refrigeration & Electric Inc	Library / GGC Repairs	219.86
FedEx	Delivery Charges	43.93
Fireguard, Inc.	Fire Dept Air Packs	10,399.06
Gale Group, The	Library Books	235.05
Galls	Uniform Expense	36.93
Great Western - Lib Petty Cash	Postage / Stamps / Supplies / Meals	143.57
HD Supply Waterworks	WR Meter / Radios for PJ	113,788.08
Health Claims Fund	Claims	10,822.02
Heiberger, Edward F.	Library Book	23.98
Hiland Dairy Foods Co Inc	Food / Beverages	299.51
Holbein, Dahlas	Fire Dept Maint / Cleaning Service	1,000.00
Holiday Inn-Kearney	EMS Conference	389.85
Ingram Library Services	Library Books	265.02
Kearney Hub	Library Subscription	138.25
Kratzer Electric, Inc.	PK Repair	393.05
Lexington Newspapers, Inc.	Publications	265.83
Lexington Volunteer Fire Dept	EMS Conf Mileage / Meals / Registration	769.50
Lexington Utilities System	Utilities	35,510.20
Lexington City Payroll Account		
Payroll	Wages	123,323.71
Social Security	Employer Portion / FICA Med	9,149.70
Union Bank & Trust	Employer Portion / Pension	4,188.73
Union Bank & Trust	Police Pension	2,194.45
ICMA	City Manager Pension	836.93
Lundeen-Isaacson, Inc.	Fire Dept Group Life Prem/Fire Pak Renewal	20,422.00
Madeline's Café	Food	18.95
Martinez, Andrew	Travel Expense	202.50
Matheson Tri-Gas, Inc.	Ambulance Supplies	55.36
McDiarmid, Iain	Travel Expense	203.40
Mead Lumber & Rental-Lex	ST / WWTP Supplies	59.09
Menards-Kearney	DCOC Supplies	199.99
MicroMarketing LLC	Library Audio Books	79.99
Midland Scientific, Inc.	WWTP Testing Supplies	223.44

Midwest Restaurant Supply	GGC Repair	529.67
Miller & Associates	Public Water System Emergency Response Plan	652.20
Mr. Automotive	Police Supplies	24.20
NE Public Health Environmental Lab	WR Testing / Police Blood Test	210.00
Nebraska Library Association	Conference Registration	35.00
Northern Lights Display, LLC	Downtown Pole Banners	3,187.50
Overton Community Center	Meals on Wheels	100.00
Overton Sand & Gravel	Fill Sand	947.79
Paulsen, Inc.	Concrete	232.72
Platte Valley Comm. of Kearney	Mo Maint/Tower Rent/ST Spls/Pager Rep	1,124.77
Quick Quilts	Library Subscription	18.98
Ryde Transit	Transportation	173.00
Subway @ Walmart	Meals	58.50
Tasc - Client Invoices	Fees	211.86
Teen Vogue	Library Subscription	15.00
Terryberry	Employee Service Pins	1,596.06
Thompson Company, The	Food / Supplies	1,452.95
Unisan Nebraska, LLC	DCOC Supplies	167.73
United Healthcare	Ambulance Refund	187.02
Verizon Wireless	Cellphone Service	362.07
Village Uniform	GGC Supplies	50.20
Vision Internet Providers, Inc.	Mo Web Hosting Fee	231.52
Wal-Mart	Supplies	415.31
All Points Cooperative	Fuel	321.05
Awards Plus	Fire Dept Supplies	98.00
AWD Digital Learning Solutions	Library Computer	2,700.00
Cash-Wa Distributing	Supplies	643.47
Danko Emergency Equipment Co.	Ambulance Supplies	355.74
Dan's Sanitation	Sanitation Fees	29,537.63
Dutton-Lainson Company	EL Meter Supplies for PJ 585	457.42
Eakes Office Plus	Library Supplies	44.78
Eilers Machine and Welding, Inc.	WWTP Supplies	30.00
Galls	Police Uniform Expense	121.94
Great Western - City Petty Cash	Meals / Postage	81.50
Great Western - Lib Petty Cash	Library Books	36.00
Intellicom Computer Consulting	Computer Service	23.33
Lexington Postmaster	Postage	294.00
Lexington, City of	Franchise Fees	79,042.01
Mead Lumber & Rental-Lexington	WWTP Supplies	40.35
Miller & Associates	18th St/Heartland Rd/Downtown Imp PJs	39,346.36
Service Master of Mid Nebraska	Cleaning Service	4,741.00
Sign Pro	ST Supplies	80.00
Wal-Mart	Supplies	35.87
	TOTAL CLAIMS:	554,462.86

FINANCIAL REPORT:

A financial report for December 2013 was presented for Council consideration. Moved by Roberts, seconded by Vivas, to accept the financial report as presented. Roll call. Voting "aye" were Miller, Salem, Vivas, Roberts, Fagot. Motion carried.

ZONING ORDINANCE:

Ordinance No. 2339 entitled "Zoning Ordinance of the City of Lexington, Nebraska" was presented on second reading. Following discussion, moved by Salem, seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

Ordinance No. 2339 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2339 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

CIS STUDY:

Mayor Fagot opened a public hearing to consider a draft Comprehensive Investment & Stabilization Pre-Development Study. Jeff Ray, JEO Consulting Group, presented the study. Staff recommended streamlining a few sections. There were no public comments. The public hearing was closed. Moved by Miller, seconded by Roberts, to approve the draft Comprehensive Investment & Stabilization Pre-Development Study with amendments as recommended from Staff. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to receive updates on current CDBG projects, CDBG 13-CIS-002, CIS Study, and CDBG 12-TD-004, Majestic Theatre. Deb Jensen, DAD, gave an update on each program. Following discussion, the public hearing was closed.

ACTION PLAN 2014:

Pepplitsch reviewed a final draft of the 2014 Development Action Plan. Following discussion, moved by Roberts, seconded by Vivas, to approve the action plan as presented. Roll call. Voting “aye” were Miller, Salem, Vivas, Roberts, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2340 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE LEXINGTON CITY CODE, TO PROVIDE FOR ADOPTION OF ZONING REGULATIONS; TO REPEAL ORIGINAL SECTIONS 115-1 THROUGH 115-256, 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. Pepplitsch reviewed the purpose and intent of the ordinance. 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. 2340 was presented on final reading. Moved by Salem, second by Vivas, to approve Ordinance No. 2340 on final reading. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2341 entitled “AN ORDINANCE TO AMEND CHAPTER 113 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTIONS 113-1 THROUGH 113-43, 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. Pepplitsch reviewed the purpose and intent of the ordinance. Following discussion, moved by Vivas, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Roberts, Miller, Vivas, Fagot. Motion carried.

Ordinance No. 2341 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2341 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

AGREEMENT RESOLUTION: Peplitsch reviewed Supplemental Agreement No. 1 for Preliminary Engineering Services for the 6th Street Project, Project No. URB-6552(1), Control No. 61554. He explained that the supplemental agreement would amend the engineer's total fee by \$7,000 to compensate them for additional public outreach required by FHWA. Resolution No. 2014-01 was presented. Following discussion, moved by Miller, seconded by Roberts, to approve Resolution No. 2014-01. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION NO. 2014-01

**PRELIMINARY ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT
NO. 1 – BK1272
CITY OF LEXINGTON, NEBRASKA**

Whereas: City of Lexington and Olsson Associates, Inc. have previously executed a Preliminary Engineering Services Agreement (BK1272) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Lexington understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Lexington and Olsson Associates, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities 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 Preliminary Engineering Services Supplemental Agreement No. 1 between the City of Lexington and Olsson Associates, Inc.

City of Lexington is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

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

Adopted this 28th day of January, 2014, at Lexington, Nebraska.

The City Council of the City of Lexington, Nebraska.

Attest: Pamela Baruth, City Clerk

WORK SESSION: Moved by Miller, seconded by Vivas, to schedule a Council Work Session for Saturday, February 8, 2014, at 8 a.m. Roll call. Voting "aye" were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch gave a brief project update.

Weinhold noted that he will be absent from the February 8 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.

City Clerk