

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 14, 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 Peplitsch, Assistant City Manager Dennis Burnside, Development Services Director Bill Brecks, Police Chief Tracy Wolf, Finance Director Barb Hodges, Chief Building Inspector Mark Yung and City Clerk Pamela Baruth. The press was represented by KRVN Radio and Lexington Clipper-Herald.

NOTICE: Notice of the meeting was given in advance, thereof by posting in the following locations: Lexington City Hall, Dawson County Courthouse, Homestead Bank, Great Western Bank, Pinnacle Bank. 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 9-23-2014: Minutes of the Regular meeting held Tuesday, September 23, 2014, were presented. Moved by Vivas, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Miller, Salem, Vivas, Fagot. Roberts was absent from the vote. Motion carried.

MINUTES – WORK SESSION 10-4-2014: Minutes of the Regular meeting held Saturday, October 4, 2014, were presented. Baruth noted a correction to the minutes. Moved by Miller, seconded by Salem, to approve Minutes as presented and corrected. Roll call. Voting “aye” were Vivas, Salem, Miller, Fagot. Roberts was absent from the vote. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,370,220.53 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$491,111.22 from the General Fund, \$162,610.66 from Street Fund, \$89,205.55 from TIF, \$1,587,975.63 from LEXUS, \$10,000.00 from Sanitation, \$6,471.75 from Ambulance, \$16,012.32 from Health Fund, and \$6,833.40 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Vivas, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 14, 2014

Accurate Environmental LLC	EPA WR Samples	875.00
All Points Cooperative	Fuel / Weed Killer / WWTP Supplies	5,075.57
Annie's Attic Books	Library Book	19.94
Associated Supply Company, Inc.	LFAC Supplies	159.88
Bader's Highway & Street	Tarring Streets	24,588.00
Baker & Taylor	Library Books	69.85
Barmore Drug Store	Ambulance Supplies	849.76
Bennett Advertising Specialties	Envelopes / Letterhead	1,546.04
Cash-Wa Distributing	Food & Supplies	3,151.24
Central Fire & Safety	GGC Service	294.00
Central Garage	Fuel	11,056.99
Central Tire & Tread, Inc.	Tires / Repair	3,021.51

Community Development Agency	TIF/TL Sund Constructors/SE 2nd Lot 11 Environmental Assessment	5,350.00
Copper, Michael	Yard Clean-up	300.00
Cozad Services, Inc.	Serv Bldg Repair	221.36
Culligan Water Conditioning Co.	Soft Water Supplies	209.98
Dan's Sanitation	Sanitation Fees	14,047.83
Data-Pac Mailing Systems	Postage/Software Maintenance Agreement	1,995.00
Davis Energy, Inc.	Central Garage/WWTP/Fire Dept Fuel/Spls	5,922.36
Dawson Area Development	Membership Dues	32,000.00
Dawson County Clerk	Dispatch Fees	27,500.00
Dawson County Register of Deeds	Filing Fees	20.00
Dawson Pest Control	GGC / DCOC Service	91.35
Dawson Public Power District	Power Purchase	540.56
Depository Trust Company	2013B CU Bond / 2010 GO Bond Pmts	315,750.00
Downey Drilling, Inc.	Well #11 Rep/DCOC GO Thermal Maint	2,586.21
Eakes Office Solutions	Police / Library Supplies	267.35
Ed Roehr Safety Products	Police Supplies	85.00
Eilers Machine and Welding, Inc.	ST Equipment Repair	14.84
Electrical Engineering & Equipment Co.	Fire Dept / EL / PK-Rec Supplies	322.31
Electronic Systems, Inc.	GGC Service	45.00
Express Laundry	Rug Service	277.43
Fagot Refrigeration & Electric, Inc.	GGC Repair	310.93
Fastenal	WR Supplies	301.66
FYR-TEK, Inc.	Fire Dept Hose	2,818.20
Gale/Cengage Learning	Library Books	159.12
Galls LLC	Police Uniform Expense	20.08
HD Supply Waterworks	EL Meters	8,025.00
Health Claims Fund	Claims	15,692.04
Hiland Dairy Foods Company, LLC	Beverages	511.98
Holbein, Dahlas	Lawn Care / Yard Clean-up	540.00
Homestead Bank	NW Improvements Pmt	52,234.03
Ingram Library Services	Library Books	261.32
Intellicom Computer Consulting, Inc.	Radio Replacement / Monthly Billing	800.13
Jewett, Connie	GGC Food	200.00
Jim Phillips Const.	ST Repairs	14,446.00
Johnson Service Company	Clean Sewer Mains	2,040.30
Jones Plumbing & Heating, Inc.	ST/GGC/Fire Dept/LFAC/WR Spls/Svcs	2,096.67
Kent Jergensen Contractor	Optimist Field Maint/WWTP/FD Rep/Svc	7,450.00
Lawson Products	ST / WR Supplies	275.77
Lexington Animal Clinic	Animal Care	1,339.24
Lexington Area Chamber of Commerce	Membership Dues	4,500.00
Lexington Area Solid Waste Agency	Landfill	848.17
Lexington Grand Generation Support Grp	Reimburse Postage	135.15
Lexington Health Fund	Self-funding	46,835.78
Lexington Newspapers, Inc.	Publications	510.25
Lexington Postmaster	GGC Postage / Mailing Permit	385.00
Lexington Public Schools	CDBG / Majestic Theater	34,932.00
Lexington Regional Health Center	Fire Dept Laundry / Drug Screen	225.00
Lexington, City of	TIF Funding for 18th St/Heartland Road	7,199.05
Lexington, City of	Franchise Fees	71.10
Lexington City Payroll Account		
Payroll	Wages	130,615.65
Social Security	Employer Portion / FICA Med	9,686.06
Union Bank & Trust	Employer Portion / Pension	4,294.07
Union Bank & Trust	Police Pension	2,195.15
ICMA	City Manager Pension	841.84
Linda's Stitches & Creations	PK/Rec/ST/WR Shirts	1,325.26

Mac's Short Stop	GGC Food	84.17
Martin Electric Co.	Fire Dept Repairs	671.71
Matheson Tri-Gas, Inc.	Oxygen Supplies	231.14
Mead Lumber & Rental-Lexington	REC/Cem/ST/Fire/Dev Svc/WWTP Spls	303.15
Meridian Rentals	ST Repair	16.95
Meritain Health	Health Premium	20,297.18
MicroMarketing LLC	Library Books	134.96
Midland Scientific, Inc.	WWTP Testing Supplies	1,105.98
Midwest Laboratories, Inc.	WWTP Testing Supplies	776.50
Miller & Associates	Multi Capital PJ's	88,424.01
Morris Press	GGC Supplies	244.00
Municipal Pipe Services, Inc.	WR Service	700.00
Municipal Supply, Inc.	WR Supplies	1,904.02
Nebraska Life Magazine	Library Subscription	24.00
Nebraska Public Power District	Power Purchase	1,064,644.92
Nebraskaland Magazine	Library Subscription	18.00
Nebraskaland Tire, Inc.	ST/Cem/PK/Admin/WR Tires/Rep/Svc	2,180.61
NebraskaLink	City / Library Service	395.00
O'Hanlon Seed, Inc.	WWTP / PK-Rec Grass Seed	2,190.76
O'Hara Lindsay and Associates, Inc.	Lobbying Service	1,000.00
One Call Concepts, Inc.	Locates	86.75
Paperdirect	Admin Supplies	54.97
Platte Valley Auto Mart	Police/Amb/WWTP Spls/Svc/Reps	1,320.63
Plum Creek Market Place	GGC Food	31.27
Plum Creek Medical Group	Flu Shot	37.00
Pollution Control Systems, Inc.	Tyson Lift Station Pump	8,696.00
Presto-X	Fire Dept / Library Service	190.99
Principal	Dental Premium	2,733.15
Randy's Body Shop	Towing Expense	405.00
Reiman Publications	Library Subscription	14.98
RepCo Marketing, Inc.	Police Supplies	96.50
S & W Auto Parts, Inc.	PK / Rec Supplies	20.00
Service Master of Mid Nebraska	Cleaning Service	4,397.87
Sign Pro	Police Decals / ST Signs	173.75
Sirchie Fingerprint Laboratories	Police Supplies	179.90
Source Gas, LLC	Gas Service	1,785.50
Standard Life	Life Premium	714.09
Statewide Collections LLC	Collection Fee	421.35
Steve's Lock & Key	GGC Door Repair	541.85
T. L. Sund Constructors	Lexington Regional Hospital PJ	247.50
T. O. Haas Tire & Service	Tire Repair	14.74
Tasc - Client Invoices	Fees	186.18
Team Detail & Quicklube	Police Uniform Repair	41.00
Terryberry	Retirement Gift	171.28
Thalman, Julie	Cleaning Service	160.00
Thompson Co., The	Food / Supplies	2,444.67
Titan Access Account	Fire Dept Tanker Repair/WWTP Supplies	327.80
Total Lawn Care	LFAC Lawn Care	1,125.00
Tyler Technologies, Inc.	Maintenance Fee	363.36
U-Save Business Equipment	UTL Office/Dev Svc/Fire Dept/Lib/WWTP/ST Spls	2,672.52
Utility Service Co., Inc.	WR Tower Maintenance	26,211.04
Vigil, Edward	EL Rebate	1,325.00
Village Uniform	GGC Supplies	50.84
VSP / Vision Service Plan	Vision Premium	652.11
W P C I	Drug Screen	27.10
Walmart	Supplies	841.50

Baker & Taylor	Library Books	210.22
Central Tire & Tread, Inc.	Tire Repair	89.20
Coca-Cola/Dr Pepper Bottling Kearney	Beverages	50.00
Community Development Agency	TIF Area #1-Landscaping@ Frontier St Strip Mall	22,872.07
Cummins Central Power, LLC	WWTP Service / Repair	881.20
Davis Energy, Inc.	Fuel	4,674.29
Dawson Public Power	Power Purchase	9,391.85
Dugan Business Forms	Business Office Supplies	234.87
Electronic Systems, Inc.	Library Service	237.60
EMS Billing Service	Ambulance Billing	1,245.56
Eustis Body Shop	Towing Expense	115.00
Fire-Extrication-Hazmat Billing	Fire Equipment Billing	10.00
Great Western Bank-City Petty Cash	New Ambulance Title / Meals / PK Keys	58.51
John Deere Financial	PK/ST/Cem/WWTP Spls/Svc/Repairs	3,249.97
Lexington, City of - GF	Miller Services @ DCOC Paving Imp	1,550.40
League of Nebraska Municipalities	Conference Registration	130.00
Lexington Newspapers, Inc.	Publications	418.94
Lexington Volunteer Fire Dept.	Ambulance Fees	3,627.38
Lexington Utilities System	Utilities	35,875.32
Lexington City Payroll Account		
Payroll	Wages	131,552.40
Social Security	Employer Portion / FICA Med	9,752.93
Union Bank & Trust	Employer Portion / Pension	4,515.24
Union Bank & Trust	Police Pension	2,231.47
ICMA	City Manager Pension	841.84
Lien Inc.	Library Lawn /Sprinkler Reps-6th ST PJ	10,819.15
Miller & Associates	DCOC Paving Improvements	1,550.40
Municipal Automation & Control	WWTP Pump / Service	5,266.86
Nebraska Department of Revenue	Sales & Use Tax	56,106.74
Nebraska Statewide Arboretum	Membership Dues	100.00
Nebraska Tech & Telecommunications	Telephone Service	1,116.87
Overton Sand & Gravel, Co.	Ice Control & Road Gravel	2,677.29
Primary Electric	WWTP Service	75.00
Richardson Mowing	Library Lawn Care	255.00
Rural Community Insurance Services	Crop Insurance	360.00
Sign Pro	WR / Development Services Signs	192.40
Sports Illustrated	Library Subscription	89.04
Subway @ Walmart	Meals	53.00
Titan Access Account	WWTP Equipment Service	1,027.13
Vision Internet Providers, Inc.	Web Hosting Fee	235.82
Walmart	Supplies	-7.04
	TOTAL CLAIMS:	2,370,220.53

ENGINEERING SERVICES: Peplitsch reviewed proposals received for engineering services for the CIS project, CDBG 13-CIS-102. He noted that M&A was the only full proposal received, along with declination letters from JEO Consulting Group and Alfred Benesch & Co. Following discussion, moved by Miller, seconded by Salem, to award an engineering services contract to Miller & Associates and to authorize the execution of necessary documents. Roll call. Voting “aye” were Vivas, Salem, Miller, Fagot. Roberts was absent from the vote. Motion carried.

SUBDIVISION: Brian Copley, representing Irving P. Hiatt, presented a final plat of the Westminster Woods Second subdivision. He reviewed the ingress/egress easement for a private drive for residential units. Peplitsch noted that the Planning Commission has reviewed the final plat and recommends approval; additionally he reviewed a draft subdivision agreement. Following discussion, Resolution No. 2014-34 was presented. Moved

by Salem, seconded by Miller, to approved Resolution No. 2014-34. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2014-34

WESTMINSTER WOODS SECOND

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of WESTMINSTER WOODS SECOND, a subdivision being part of Government Lot 1 and Accretions located in Section 21, Township 9 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 14th day of October, 2014.

Following discussion on the subdivision agreement, moved by Salem, seconded by Roberts, to approve the subdivision agreement and authorize execution and any reasonable amendments. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

REZONING: Fagot opened a public hearing to consider the rezoning of property in the Westminster Woods Second subdivision from A-1 Agricultural District to R-1 Single Family Residential District. There being no public comments heard or received, the public hearing was closed. Ordinance No. 2352 entitled “AN ORDINANCE TO REZONE LOTS 1, 2, 3, 4, 5 & 6, BLOCK ONE, AND LOT 2, BLOCK TWO, WESTMINSTER WOODS SECOND, FROM A-1 AGRICULTURAL DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. 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, Roberts, Vivas, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Miller, to approve Ordinance No. 2352 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2353 entitled “AN ORDINANCE DIRECTING THE SALE OF LOTS 8, 9, 10, 11, & 12, BLOCK 6, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, TOGETHER WITH ALL OF VACATED PIONEER DRIVE LYING SOUTH OF AND CONTIGUOUS TO SAID BLOCK 6; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE” was presented. Peplitsch reviewed the transfer of property to the CDA. 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. 2353 was presented on final reading. Moved by Miller, seconded by Roberts, to approve Ordinance No. 2353 on final reading. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

DEVELOPMENT AGREEMENT: Peplitsch reviewed a development agreement between the CDA and Central Nebraska Housing Corp. for the expansion of the Ponderosa Apartment complex. He noted the responsibility of each entity and proposed public assistance for the 22 unit, 2-bedroom apartment project with an investment in excess of \$1.5 Million. Following discussion, moved by Salem, seconded by Roberts, to approve the development agreement as presented, and to authorize the CDA to execute such agreement with any amendments deemed reasonable and necessary. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2354 entitled “AN ORDINANCE TO AMEND SECTION 4-7 OF THE LEXINGTON CITY CODE, TO PROVIDE FOR HOURS OF SALE OF ALCOHOLIC LIQUORS; TO REPEAL ORIGINAL SECTION 4-7, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO DECLARE AN EMERGENCY AND TO PROVIDE FOR THE ORDINANCE TO TAKE EFFECT IMMEDIATELY; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM” was presented. Peplitsch explained that the proposed ordinance is intended to clarify the current code section which is confusing as written, and will bring the local regulation in line with state law. Following discussion, moved by Miller, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

Ordinance No. 2354 was presented on final reading. Moved by Miller, seconded by Roberts, to approve Ordinance No. 2354 on final reading. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

ASSIGNMENTS: Peplitsch reviewed two contract assignments related to the Lexington Community Facilities Agency. He explained that a portion of the original agreement between the Agency, School District and the City for the Middle School project included renovations to the High School. As the School District is the sole financial contributor for the High School project, they are requesting that the remaining construction contracts be assigned to the Lexington Public School Building Corporation. Following discussion, moved by Roberts, seconded by Miller, to approve the assignments as presented and to authorize the execution of documents as necessary. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch reported that a pre-construction meeting for the Liberty Drive Paving Improvement project is scheduled for Monday, October 20th, with construction to start this fall. He noted that the 6th Street Improvement project is substantially complete with a few remaining items to be finished within the next two weeks. He requested Council consider dates to reschedule the regular council meeting on Tuesday, November 11th, as the City observes this date as a holiday.

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