

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 23, 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, City Attorney Will Weinhold, Finance Director Barb Hodges, Development Services Director Bill Brecks, Police Captain Jeff Schwarz and City Clerk Pamela Baruth. The press was represented by 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 9-9-2014: Minutes of the Regular meeting held Tuesday, September 9, 2014, were presented for Council consideration. Moved by Salem, seconded by Roberts, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,014,870.59 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$185,764.94 from the General Fund, \$25,516.24 from Street Fund, \$503,828.45 from LEXUS, \$27,886.79 from Sanitation, \$159,684.88 from Ambulance, \$103,093.84 from Health Fund, and \$9,095.45 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 23, 2014

Aesseal, LLC	WWTP Supplies	759.25
AFLAC	Premium	1,324.42
Anytime Fitness	Wellness	171.20
Baker & Taylor	Library Books	383.32
Bauer Underground, Inc.	EL Supplies / Rental	1,512.50
Bob's Auto Repair & Service	PK Vehicle Repair	305.59
Booth, Todd	EL Rebate	550.00
Business Card		
Microsoft Store	GGC / Rec Software	235.39
Office Max	GGC Supplies	33.15
Post Office	WR Sample Postage	116.56
Walmart	Tool Bag	17.09
Amazon Market Place	Laptop Battery / Charger	37.64
Environmental Products/Access	WWTP Hose	915.42
ABM Parking Service	Parking Fee	12.00
Chase Suite Hotel	Ambulance Conference	230.63
Miller's Pub	Ambulance Inspection Meals	27.30
Rigel Airport Services	Ambulance Inspection Meals	26.18

USI Ed Gov	Admin Supplies	49.49
Digital Ally, Inc.	Police Camera Parts	39.00
Cash-Wa Distributing	Food & Supplies	4,455.63
Center Point Large Print	Library Books	86.28
Central Tire & Tread	ST / WWTP / Cem Tire Repair	119.00
Chapman, Randy	EL Rebates	1,575.00
Chief Supply Co.	Uniform Expense	43.26
CocaCola/Dr Pepper Bottling Krny	Beverages	90.00
Conney Safety	WR / WWTP / ST Supplies	536.71
Data-Pac Mailing Machine	Postage	1,500.00
Davis Energy, Inc.	Fuel / Oil	4,927.21
Dawson Area Development	Admin Fees / Majestic Theater PJ	4,000.00
Dawson Pest Control	DCOC Service	54.60
Dell Marketing LP	GGC Computer	968.39
Demco, Inc.	Library Supplies	102.22
Dutton-Lainson Company	EL Meter Supplies	293.20
Eakes Office Plus	Library Supplies	313.00
Electric Engineering/Equipment	EL / WR / WWTP Supplies	1,195.08
Energy Pioneer Solutions	EPS Payments	3,341.06
Fagot Refrigeration & Electric Inc	GGC Service	140.00
Fastenal	WR Supplies	197.09
Gale/Cengage Learning	Library Books	369.99
Glaze, Doug	Boots	50.00
Great Plains Govt Finance Officers Assn	Registration	150.00
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Supplies	187.93
Hall, Jesse	EL Rebate	1,100.00
HD Supply Waterworks, LTD	WR Meter / Radios / Battery	36,225.07
Health Claims Fund	Claims	101,769.42
Hiland Dairy Foods	Beverages / Food	894.73
Holbein, Dahlas	FD Maint/Cleaning Svc/Yard Clean-up	1,100.00
Ingram Library Services	Library Books	336.53
Intellicom Computer Consulting, Inc.	Monthly Billing Service	142.50
Jake's Toro Sprinklers	LFAC Sprinkler Repair	271.51
John Deere Financial	PK/Central Garage/WWTP/ST/Cem Spls	602.59
Johnson, Richard	EL Rebate	900.00
Kearney Crete & Block Company	SW Concrete Blocks	46.60
Lexington Housing Authority	EL Rebates	1,650.00
Lexington Newspapers, Inc.	Publications	413.33
Lexington Public Schools	Refund to Schools	6,070.00
Lexington Volunteer Fire Department	Firemen Training School Expenses	986.30
Lexington Utilities System	Utilities	39,123.36
Lexington City Payroll Account		
Payroll	Wages	130,365.50
Social Security	Employer Portion / FICA Med	9,673.36
Union Bank & Trust	Employer Portion / Pension	4,274.15
Union Bank & Trust	Police Pension	2,406.68
ICMA	City Manager Pension	841.84
Luna, Juana	EL Rebate	900.00
Martin's Flag Company	Library Flags	114.11
Mead Lumber & Rental-Lexington	DCOC Rental	57.20
MicroMarketing LLC	Library Books	259.78
Mid-State Units	Rentals	720.00
Miller & Associates	Misc Service for July'14	1,852.50
Morris Press	GGC Supplies	244.00
Nebraska Amateur Softball Association	18C State Tournament	2,800.00
Nebraska Department of Revenue	Waste Reduction & Recycle Fee	25.00
NE Law Enforcement Training Center	Firearms School	200.00

Nebraska Public Power District	July / August O & M	212,725.51
Nebraska Public Power District	Capital Projects	60,686.71
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,140.54
OCLC, Inc.	Library Subscription	104.20
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	2,032.32
Platte Valley Auto Mart	2015 ST Pickup / Flat Bed / Police Mats	30,863.80
Platte Valley Communication Krny	Maint/Camera&Radio Reps/Well#12/Radio	813.37
Plum Creek Market Place	GGC / REC Food	46.11
Plum Creek Telephone	LFAC Phone Repair	210.00
Primary Electric, Inc.	WWTP Sump Pumps	2,229.66
Professional Ambulance Sales & Svcs	2015 Ford Ambulance	157,608.00
Rainbow Printing	Library Supplies	405.00
Rasmussen, Stan	EL Rebate	1,050.00
Roemmich, Dave	EL Rebate	1,025.00
Ryde Transit	Transportation	16.00
S & W Auto Parts	PK / WWTP / Cem / ST	351.33
Scholastic Library Publishing	Library Books	152.10
Service Master of Mid Nebraska	Cleaning Service	1,665.00
Team Detail & Quicklube	Uniform Repair	12.50
Thompson Co., The	Food / Supplies	2,268.99
Titan Access Account	PK/WWTP/WR/ST Supplies & Repairs	3,078.55
Walmart Vision Center	Safety Glasses	198.00
Walmart	Supplies	270.45
YMCA of Lexington	Membership Dues	284.90
Zarate, Mike	EL Rebate	1,025.00
Allixa Consulting, Inc.	Occupation Tax Audit Fee	5,887.46
Area Services	SW Service	225.00
Axis Capital, Inc.	Mail Machine Payment	840.00
Baker & Taylor	Library Books	459.37
Barco Municipal Products, Inc.	ST Supplies	1,046.80
Bill's Volume Sales, Inc.	PK Equipment Repair	23.34
Card Center/Orscheln	WR / ST / WWTP / PK Supplies	339.21
Copper, Michael	Yard Clean-up	100.00
Dan's Sanitation	Sanitation Fees	27,886.79
Dawson County Court	Court Fees	34.00
Eakes Office Plus	Library Supplies	66.96
Fagot Refrigeration and Electric, Inc.	Admin / PK / EL Repairs	280.59
Great Western Bank-City Petty Cash	Meals/Pstg/Admin/Pol/ST Spls/Cash Long	100.43
Great Western Bank-Lib Petty Cash	Postage / Summer Reading Supplies	33.02
Guzman, Maria	A/R Refund	75.00
HD Supply Waterworks, LTD	EL Meters / WR Radios	11,411.23
HR Specialist, The	Subscription	97.00
Jim Phillips Const.	WR Main Break / ST Repair	6,986.00
Johnstone Supply	DCOC Supplies	524.64
Kids Reference Company, Inc.	Library Books	133.46
Lexington Community Foundation	Public Donations	1,764.23
Lexington Newspapers, Inc.	Publications	206.96
Lexington, City of	Franchise Fees	88,705.14
Mead Lumber & Rental-Lexington	LFAC Supplies	18.55
Mid-Plains Community College	Ambulance Class	376.00
Municipal Supply, Inc.	WR Supplies	5,817.25
NE Public Health Environmental Lab	WR Testing	416.00
Paulsen, Inc.	Concrete	623.00
Platte Valley Communication Krny	Police Repair	75.00
Presto-X	Fire Dept Service	90.42
Titan Access Account	ST Equipment Repair	974.14

Verizon Wireless	Cellphone Service	536.77
Village Uniform	GGC Supplies	62.32
Vision Internet Providers, Inc.	Web Hosting	231.52
Walmart	Supplies	223.11
Willard Weinhold Law Office	Legal Fees	29.00

TOTAL CLAIMS: 1,014,870.59

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

PUBLIC COMMENT PERIOD: Beverly G. Merrick addressed the council to request an increase in the police department budget and to develop a board to focus investigations on those who prey specifically on women and the elderly.

Mary Almanza read a prepared letter to the council regarding a nuisance abatement case and the process. Fagot stated that the council was not aware of the case before the meeting and encouraged Ms. Almanza to discuss her concerns with the administrative staff for clarification of the process.

ORDINANCE: Ordinance No. 2347 entitled “AN ORDINANCE TO REZONE LOTS 10, 11, AND 12, BLOCK 2, LEXINGTON HEIGHTS ADDITION FROM C-O NEIGHBORHOOD COMMERCIAL TO R-3 HIGH DENSITY RESIDENTIAL; 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 on second reading. Council members and staff noted that they have not received any public comments. Peplitsch indicated that Todd Booth of GJT LLC has secured a building permit to renovate the building located at 1610 North Washington into residential apartments, a condition of zoning change previously discussed by the Council. 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. 2347 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2347 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a Rezoning application for a portion of Lot 2, Block 1 Fertitta Addition from C-3 to A-1 Agriculture by Horvath Towers III LLC, as well as a conditional use application to construct a telecommunications tower on the site. Kevin Tracy, Frasier Stryker and representative for Horvath Towers, explained the company’s intentions. Peplitsch noted that the Planning Commission has reviewed the applications and recommends approval of both items. Peplitsch also reviewed a draft conditional use permit agreement. Following discussion and hearing no further comment, the hearing was closed. Ordinance No. 2351 entitled “AN ORDINANCE TO REZONE THE WEST 340 FEET OF LOT 2, BLOCK 1, FERTITTA ADDITION FROM C-3 HIGHWAY COMMERCIAL TO A-1 AGRICULTURAL; 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 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. 2351 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2351 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

Moved by Miller, seconded by Roberts, to approve the conditional use permit application and authorize the execution of the conditional use agreement. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Horvath Towers III LLC for a telecommunications tower on property along Highway 21 owned by Duane

Lehman. Mr. Tracy explained the company's intentions. Peplitsch reviewed a draft conditional use agreement, and noted that the Planning Commission recommended approval of the application. Following discussion and hearing no further comment, the hearing was closed. Moved by Miller, seconded by Roberts, to approve the conditional use permit application and authorize execution of the conditional use agreement. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

CDBG PROJECTS: Mayor Fagot opened a public hearing to receive updates and comments on current CDBG projects. Deb Jensen, DAD, gave status updates on the CIS Project CDBG 13-CIS-102 and Majestic Theater Project CDBG 12-TD-004. Following discussion and hearing no further comment, the hearing was closed.

LIBERTY DRIVE: Peplitsch reviewed a single bid received for the Liberty Drive Improvement project. The bid, from Paulsen Inc. in the amount of \$383,039.00, is for paving, storm sewer, and sanitary sewer improvements to support senior housing development west of the Lexington Regional Health Center. He noted the bid was 9% lower than the Engineer's opinion of cost, and has a completion date of June 2015. Following discussion, moved by Salem, seconded by Vivas, to accept the bid and to award a contract to Paulsen, Inc. for the Liberty Drive Improvement project. Roll call. Voting "aye" were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

GRANT APPLICATION: Resolution No. 2014-32 was presented. Peplitsch reviewed the intent to apply for grant funding under the Land and Water Conservation fund for the construction of ADA fishing piers as part of the Plum Creek Park Lake Restoration project. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2014-32. Roll call. Voting "aye" were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION No. 2014-32

The City of Lexington, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of installing three (3) ADA fishing piers at Plum Creek Park Lake.

The Mayor of the Council is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Lexington, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Lexington, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Lexington, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Lexington, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor

recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Lexington, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Lexington, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Lexington, Nebraska at a duly advertised public meeting held this 23rd day of September, 2014.

RESOLUTION: Resolution No. 2014-33 was presented. Peplitsch requested authorization to obtain short-term financing to fund a new ambulance unit. Following discussion, moved by Miller, seconded by Vivas, to approve Resolution No. 2014-33. Roll call. Voting "aye" were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

RESOLUTION No. 2014-33

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR A 2015 AMBULANCE.

WHEREAS, the City of Lexington, Nebraska has entered into agreements for a 2015 Ford F450 Horton Ambulance; and

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

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

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 Great Western Bank, Lexington Nebraska. The loan amount shall not exceed \$110,000.00 for a term of 3 years at an interest rate of 2.09%.

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 23rd day of September 2014.

ROUNDTABLE DISCUSSION: Burnside provided an update on current street projects.

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