

**CITY COUNCIL
CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 28, 2015, 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, and Jeremy Roberts. Dora Vivas was excused. City Officials present were City Manager Joe Pepplichtsch, Assistant City Manager Dennis Burnside, Assistant City Attorney Brian Copley, Finance Director Barb Hodges, Development Services Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by KRVN and Clipper-Herald.

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 4-14-2015: Minutes of the Regular meeting held Tuesday, April 14, 2015, were presented. Moved by Salem, seconded by Miller, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Miller, Salem, Fagot. Motion carried.

MINUTES – WORK SESSION 4-18-2015: Minutes of the work session held on Saturday, April 18, 2015, were presented. Moved by Miller, seconded by Roberts, to approve minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$862,162.09 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 \$393,898.92 from the General Fund, \$107,043.17 from Street Fund, \$46,607.65 from TIF, \$236,001.68 from LEXUS, \$30,225.38 from Sanitation, \$1,198.37 from Ambulance, \$40,067.71 from Health Fund, and \$7,119.21 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Roberts, Salem, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 28, 2015**

Alamar Uniforms	Police Uniform Expense	76.98
Arbor Health Plan	Ambulance Refund	169.24
Arizon Companies	Optimist Fieldhouse Heating & Air	72,056.70
Arrow Seed Company, Inc.	Optimist Fieldhouse Grass Seed	1,388.70
Assn State Floodplain Managers	Membership Dues	130.00
Baker & Taylor	Library Books	164.20
Barmore Drug Store	Ambulance Supplies	79.27
Bernie & Pat's Custom Frame Shop	Tree Board Expense	137.84
Bliven, Lonnie	LFAC Bldg Repair	91.96
Business Card		
Microsoft Office	Program for Nexus Machine	427.99
Adobe Acrobat XI Pro	Software	480.43
Timevalue Software	Amortization Software	192.00
www.logmein.com	Annual Software Renewal	249.00

City of Lincoln Parking	Parking Fee	9.00
Arby's	Conference Meal	7.23
Glock, Inc.	Firearm Supplies	240.00
Hunan's	Conference Meals	15.89
Taser Training Academy	Training Seminar	200.00
Four Seasons Nursery	PK Trees	33.96
Post Office	WR Sample Postage	83.92
Verizon Wireless	Cellphone Case / Hawks	21.39
DoubleTree by Hilton	EMS Conference	536.89
Forestry Suppliers	WR Level Rod	214.54
Sprinkler Warehouse	Cem Sprinkler Supplies	157.20
Amazon Mktplace Pmts	Hot Spot Chargers	29.80
Cash-Wa Distributing	Food & Supplies	3,577.37
Center Point Large Print	Library Books	86.28
Central Garage Fund	Service / Repair	9,843.12
Central Tire & Tread, Inc.	Tires / Repair	610.95
Centurion Technologies	Annual Maintenance Fees	190.80
Cook, Edward A.	Cemetery Space Refund	500.00
Danko Emergency Equipment	Fire Dept Supplies	110.29
Davis Energy, Inc.	Fuel	132.13
Demco, Inc.	Library Supplies	245.53
Diamond Vogel Paint Center	ST Paint	404.40
Eakes Office Solutions	Intact Agmt/Library Spls/SB Maint Fee	1,652.07
Eilers Machine & Welding, Inc.	Fabricate PK Trash Cans/CG Supplies	4,099.41
Electrical Engineering & Equipment Co.	EL Supplies	65.37
Energy Pioneer Solutions	EPS Payments	2,898.37
Fagot Refrigeration and Electric, Inc.	DCOC / Fire Dept Repair	245.92
Felsburg Holt & Ullevig	Stormwater Service	359.21
Gale/Cengage Learning	Library Books	59.97
Great Western Bank	CED Addition	46,607.65
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Food / Supplies	271.51
Hawkins, Inc.	LFAC Chemicals	1,128.90
HD Supply Waterworks	EL Meters / Register Replacement	632.01
Health Claims Fund	Claims	39,871.71
Hiland Dairy Foods Company LLC	Beverages / Food	824.90
HOA Solutions, Inc.	Well #16 VFD Repair	7,509.50
Holbein, Dahlas	Fire Dept Maintenance / Cleaning Service	1,000.00
Home Federal Savings	DCOC Phase III	109,723.04
Homestead Bank	Optimist Rec Complex Lighting	64,063.68
HR Specialist, The	Admin Subscription	127.00
Ingram Library Services	Library Books	82.55
Intellicom Computer Consulting, Inc.	Monthly Billing / Computer Service	1,562.80
Lexington Newspapers, Inc.	Publications	1,062.96
Lexington Recreation Program	LFAC / Rec Start-up Money	1,000.00
Lexington Truck & Auto, Inc.	Central Garage Supplies	280.00
Lexington, City of	CED Addition	46,607.65
Lincoln Winwater Works Co.	WR / Concrete Chain	839.95
Linda's Stitches & Creations	Admin / Dev Services Shirts / ST Caps	1,100.25
Luther, Ann	Pool Rent for Lifeguard Training / Mileage	93.03
Madeline's Café & Bakery	Food	18.95
Matheson-Tri-Gas, Inc.	Ambulance Supplies	58.64
Mead Lumber-Lexington	PK / Cem / WWTP Supplies	401.43
MicroMarketing LLC	Library Books	1,009.64
Midland Scientific, Inc.	WWTP Testing Supplies	665.49
Midwest Striping, Inc.	ST Marking Paint	550.00
Morris Press	GGC Supplies	244.00
Municipal Supply, Inc.	WR Supplies	440.72

NE Dept of Health & Human Services	UTL Refund	255.00
Nebraska Machinery	Motor Grader Repair	3,538.13
Nebraska Public Power District	O & M	80,314.74
Nebraska Public Power District	Large Capital Projects	8,949.64
OCLC, Inc.	Library Subscription	104.20
Oliver Consulting Services, Inc.	Library Computer Service	1,383.50
Orthman Community YMCA	Membership Dues	1,222.70
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	530.03
Platte Valley Auto Mart, Inc.	Police Vehicle Svc/WWTP/Fire Dept Spls	120.15
Platte Valley Communications	Maint/Vehicle Rep/Well#17/#18 Controls	2,960.13
Presto-X	Fire Dept Service	89.77
Rasmussen Mechanical Services	Library Repair	638.65
Rose Equipment, Inc.	ST Sweeper Supplies	192.80
RYDE Transit	Transportation	32.00
S & W Auto Parts	Central Garage / Police Supplies	825.78
Service Master of Mid Nebraska	Cleaning Service	5,177.75
Statewide Collection LLC	Collection Fees	1,146.23
TASC - Client Invoices	Admin Fees	196.00
Thompson Co., The	Food / Supplies	1,814.36
TM Sporting Goods	Rec Supplies	79.60
Totalfunds by Hasler	Postage	3,000.00
UltraMax	Ammunition	2,440.00
Underground Construction, Inc.	Bore/Install Conduit/Transformer Pad/Ground Rod	6,489.29
	Rec Supplies	212.45
Unisan Nebraska LLC	WWTP Tank Sludge Monitoring	326.82
USA BlueBook	Cellphone Service	360.36
Verizon Wireless	GGC Supplies	62.09
Village Uniform	Supplies	708.90
Wal-Mart	Fence at Compost Site	12,853.70
American Fence Company of Lincoln, Inc.	LFAC Chemicals	6,386.52
Associated Supply Company, Inc.	Library Books	278.29
Baker & Taylor	ST Vehicle Repair	72.00
Bob's Auto Repair & Service	WR Tire Repair	39.17
Central Tire & Tread, Inc.	Sanitation Fees	30,225.38
Dan's Sanitation	Fuel	4,121.81
Davis Energy, Inc.	Library Supplies	191.83
Eakes Office Solutions	ST Light Supplies / EL Supplies	1,896.80
Electrical Engineering & Equipment Co.	ST / PK Supplies	204.46
Fastenal Company	ST / Police Meals	77.32
Great Western Bank-City Petty Cash	Postage / Meals	37.45
Great Western Bank-Lib Petty Cash	Install Fence at Compost Site	13,796.00
Jim Phillips Const.	Concrete Work for Main Breaks/ST Repairs	11,548.00
Jim Phillips Const.	Franchise Fees	73,667.71
Lexington, City of		
Lexington City Payroll Account		
Payroll	Wages	126,966.70
Social Security	Employer Portion / FICA Med	9,431.34
Union Bank & Trust	Employer Portion / Pension	4,341.90
Union Bank & Trust	Police Pension	2,300.32
ICMA	City Manager Pension	861.07
MicroMarketing LLC	Library Books	1,354.43
Midland Scientific, Inc.	WWTP Testing Supplies	290.43
Monter, Doug	Meals at School	73.31
Municipal Supply, Inc.	WR Supplies	261.93
Nebraska Public Health Environmental Lab	WR Testing	421.00
O'Neill Wood Resources LLC	Wood Grinding	3,750.00

Paulsen, Inc.	Concrete	2,723.23
Pinnacle Agency, The	Vehicle Insurance Premium	82.00
Tingelhoff, Sam	Meals at School	74.58
Wall Street Journal, The	Library Subscription	448.40
Wal-Mart	Supplies	60.66
	TOTAL CLAIMS:	862,162.09

FINANCIAL REPORT: Moved by Salem, seconded by Roberts, to accept the financial report for March 2015 as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider an application to change the named manager of the liquor license held by Wal-Mart. Staff indicated no concerns with the application. There were no public comments; the public hearing was closed. Moved by Miller, seconded by Roberts, to recommend the approval of the application as presented. Roll call. Voting “aye” were Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION: Peplitsch reviewed a proposed dedication of 50’ of public right-of-way south of Tract 2, Wal-Mart Subdivision which would allow the development of an access road to Hwy 283. Following discussion Resolution No. 2015-08 was presented. Moved by Salem, seconded by Roberts, to approve the resolution as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

RESOLUTION 2015 - 08

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING, ACCEPTING, AND ORDERING FOR FILING A DEED OF DEDICATION FOR PUBLIC RIGHT OF WAY PURPOSES.

WHEREAS, Kenneth L. Beans, and his successors and assigns, by his attorney in fact Peggy Cole (“Grantors”), desires to dedicate to the City of Lexington, a tract of land legally described herein, for public right of way purposes; and

WHEREAS, such dedication is on the condition Grantors’ abutting real estate is not subject to assessments for the maintenance, repair, and reconstruction of said right of way, including paving, utilities, conduit, or lateral and supporting structures for such right of way; and

WHEREAS, the City of Lexington desires to accept, approve, and order for filing such dedication, subject to said conditions; and

WHEREAS, the City Council has determined it would be in the best interests of the City of Lexington, Nebraska, to accept, approve, and order for filing such dedication, subject to the conditions herein described.

BE IT THEREFORE RESOLVED, that the Deed of Dedication to the City of Lexington, Dawson County, Nebraska, from KENNETH L. BEANS, by his attorney in fact Peggy Cole, of the following described real estate, to be used as Public Right-of-Way, to-wit:

A tract of land being part of the East Half of the Southwest Quarter (E½SW¼) of Section Eight (8), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, and more particularly described as follows:

BEGINNING at a 5/8” rebar at the Southwest corner of Wal-Mart Subdivision, a Subdivision in the City of Lexington, Dawson County, Nebraska, and assuming the South line of said Wal-Mart Subdivision as bearing N 89°58’12” E and all bearings contained herein are relative thereto; thence N 89°58’12” E on said South Line a distance of 640.08 feet to the West Right-of-Way line of Nebraska State Highway #283; thence S00°49’57” W on said West Right-of-Way line a distance of 28.52 feet; thence S 89°10’03”E

continuing on said West Right-of-Way line a distance of 43.32 feet; thence S 01°09'13" W continuing on said West Right-of-Way line a distance of 20.84 feet; thence S 89°58'12" W parallel to and 50.00 feet Southerly of said South line of Wal-Mart Subdivision a distance of 683.29 feet to the Southerly extension of the West line of said Wal-Mart Subdivision; thence N 00°50'11" E on said Southerly extension a distance of 50.01 feet to the Point of Beginning.

is hereby approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter said real estate shall be a Public Street, subject to the ordinances, rules and regulations of the City.

BE IT FURTHER RESOLVED that such Deed of Dedication shall be subject to the condition that Grantors' abutting real estate shall not be subject to assessments for the maintenance, repair, and reconstruction of said right of way, including paving, utilities, conduit, or lateral and supporting structures for such right of way.

Passed and approved April 28, 2015

PUBLI HEARING: Mayor Fagot opened a public hearing to consider an application to the Lexington CDBG Housing Re-Use program from the City of Lexington for \$90,000. Pepplitsch explained the funds would be used to fund infrastructure expansion costs related to the Ponderosa apartment complex expansion project, per development agreement. There were no public comments; the public hearing was closed. Moved by Miller, seconded Roberts, to approve the application and authorize execution of necessary documents. Roll call. Voting "aye" were Salem, Roberts, Miller, Fagot. Motion carried.

APPOINTMENT: Ordinance No. 2362 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 Salem, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Roberts, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2362 was presented on final reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2362 on final reading. Roll call. Voting "aye" were Miller, Roberts, Salem, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Miller, to enter into executive session at 5:48 p.m. to discuss negotiations for the purchase of property. Roll call. Voting "aye" were Roberts, Miller, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Miller, to enter into open session at 6:09 p.m. Roll call. Voting "aye" were Roberts, Miller, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Pepplitsch stated that he would send out possible dates for a work session. He gave updates 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.

City Clerk