

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

A Regular Meeting of the Lexington City Council was held Tuesday, December 8, 2015, at the Lexington City Hall, 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 Brian Copley, Development Services Director Bill Brecks, Finance Director Barb Hodges, Police Chief Tracy Wolf 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 11-24-15: Minutes of the Regular meeting held Tuesday, November 24, 2015, were presented. Moved by Roberts, seconded by Miller, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,256,673.80 were presented for Council consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$365,490.96 from the General Fund, \$99,107.45 from Street Fund, \$762,651.31 from LEXUS, \$10,000.00 from Sanitation, \$2,536.35 from Ambulance, \$14,555.08 from Health Fund, and \$2,332.65 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Vivas, Salem, Roberts, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 8, 2015**

All Points Cooperative	Antifreeze	90.08
Anytime Fitness	Wellness	107.00
Ask Supply, Co.	ST Supplies	245.94
Audio Editions	Library Books	175.91
Bauer Built Tire	Tire Repair	109.95
Culligan Water Conditioning Co.	Soft Water Supplies	198.65
Dan's Sanitation	Sanitation Fees / Recycling	13,771.84
Davis Energy, Inc.	Fuel	4,259.21
Dawson Pest Control	GGC Monthly Pest Control	36.75
Dawson Public Power District	EL Service to Bauer Built Tire	10,577.50
Depository Trust, Co.	2008 GO Bond Pymt/2014 CURRB Pymt	738,797.50
Do It Yourself	Library Subscription	19.97
Eakes Office Solutions	Copies / Maintenance Fees	2,352.38
Express Laundry Center	Floor Mat Cleaning	663.02
Fagot Refrigeration & Electric, Inc.	GGC Cooler Service	155.16
Gale/Cengage Learning	Library Books	204.66
Graphic Arts Shop	Police Supplies	189.00
HD Supply Waterworks	Electric Meters	4,494.00
Health Claims Fund	Claims	10,862.43

Heldt & McKeone Law Offices	Professional Fees	2,700.00
Hiland Dairy Foods Company LLC	Food & Beverages	211.88
HOA Solutions, Inc.	Scada Download	120.00
Holbein Lawn Service	Fire Hall Yard Service	305.00
Ingram Library Services	Library Books	82.07
Jamie's Garage	ST Vehicle Repair	42.00
Kids Reference Company, Inc.	Library Books	170.84
Lerner Publishing	Library Books	1,883.09
Lexington Animal Clinic	Animal Care	263.94
Lexington Area Solid Waste	Landfill	986.88
Lexington Community Foundation	Fieldhouse Donations	875.84
Lexington Health Fund	Self-funding	47,935.64
Lexington Newspapers, Inc.	Publications	235.57
Lexington Postmaster	GGC Postage	165.00
Lexington, City of	Interdepartment Service Fees	64,274.41
Lexington, City of - Street Dept	Fuel	8,320.43
Lexington Regional Health Center	Ambulance Supplies	190.00
Lincoln Winwater Works	WR Supplies	346.68
Mac's Short Stop	Food	46.75
Matheson Tri-Gas, Inc.	Ambulance Supplies	91.21
Mead Lumber & Rental - Lexington	PK / ST / Library Supplies	151.29
Meritain Health	Health Premium	22,403.42
MicroMarketing	Library Books	108.76
Midwest Laboratories, Inc.	Lab Testing	849.00
Mr. Automotive	ST Equipment Parts	177.87
Municipal Automation & Control	Installed New Hydro Ranger Unit	1,805.56
Municipal Supply, Inc. of Nebraska	Library Supplies	65.78
MV Technologies, LLC	Energy Info Analysis	300.00
Nebraska Department of Revenue	Sales & Use Tax	46,598.87
Nebraska Economic Development Assoc	Membership Dues	200.00
Nebraska Law Enforcement	Testing	30.00
One Call Concepts, Inc.	Locates	66.45
O'Reilly Auto Parts	ST Supplies	162.28
Orthman Community YMCA	Wellness	974.60
Plum Creek Medical Group	Flu Shots	2,142.00
Plum Creek Motors	ST Parts	135.13
Primary Electric, Inc.	WWTP Service	200.00
Principal	Dental Premium	2,739.60
Qisoft	Police Online Access	600.00
Richardson Mowing	Library Service	100.00
S & W Auto Parts, Inc.	WWTP / ST Supplies	217.84
Service Master of Mid Nebraska	Cleaning Service	4,394.22
Source Gas, LLC	Gas Service	5,605.95
Standard Life Insurance Company	Premiums	725.03
Statewide Collections, LLC	Collection Fees	279.46
T.L Sund Constructors, Inc.	2015 Highway 283 Median Imp	57,477.30
TASC	Administration Fees	391.20
Thalman, Julie	Fire Hall Cleaning	240.00
Thompson Company, The	Food & Supplies	995.73
Total Lawn Care	LFAC Lawn Care	635.00
Tri-City Tribune	Publication	111.38
US Postal Service	City / GGC Annual Box Fees	643.00
Verizon Wireless	Telephone Expense	355.33
Village Uniform	GGC Supplies	50.84
VSP / Vision Service Plan	Vision Premium	812.90
Wal-Mart	Supplies	325.15

Aetna	Ambulance Fee Refund	440.27
Aflac	Premiums	1,159.45
Baird Holm, LLP	Pension Plan Amendments	1,867.20
Baker & Taylor	Library Books	403.56
Cash-Wa Distributing	Food & Supplies	930.50
CBS Constructors	Fieldhouse Bleachers	6,625.00
Davis Energy, Inc.	Fuel	2,613.03
Dawson County Register of Deeds	Filing Fees	36.00
Dawson Pest Control	OC Monthly Pest Control	54.60
Dawson Public Power District	Power Purchase	495.94
Eilers Machine & Welding, Inc.	Fieldhouse Bleacher Service	42.00
Electrical Engineering & Equipment Co	Econ Dev Supplies	165.64
EMS Billing Services, Inc.	Ambulance Billing	1,709.02
Fastenal Company	WR Supplies	22.35
Great Western Bank-City Petty Cash	EL Incentives	95.00
International Code Council	Econ Dev Supplies	297.00
John Deere Financial	EL/ST/WWTP/CEM/PK Supplies	1,067.39
Jones Plumbing & Heating, Inc.	Fieldhouse Svc/Winterize PKs/WWTP Svc	5,498.13
Kids Reference Company, Inc.	Library Books	184.20
Kratzer Electric	Svc Bldg Light Repairs	789.88
Lexington City Payroll Account		
Payroll	Wages	141,168.47
Social Security	Employer Portion / FICA Med	10,175.70
Union Bank & Trust	Employer Portion / Pension	4,407.37
Union Bank & Trust	Police Pension	2,776.65
ICMA	City Manager Pension	865.69
Lexington Newspapers, Inc.	Publications	181.32
Mead Lumber & Rental-Lexington	WWTP / Econ Dev Supplies	60.83
Miller & Associates	2015 CIS Imp Pro Svc	38.29
Nebraska City/County Management Assoc	Membership Dues	100.00
Nebraska Safety and Fire Equipment, Inc.	Fieldhouse Monitoring Fee	370.85
Oliver Consulting Service	Library Service	60.00
O'Hara Lindsay and Associates, Inc.	Lobbying Service	1,000.00
O'Reilly Auto Parts	ST Supplies	76.35
Overton Sand & Gravel, Co	Gravel	645.63
Platte Valley Auto Mart	Police Vehicle Service	431.52
S & W Auto Parts, Inc.	ST / PK / Fire Dept Supplies	168.85
Team Detail & Quicklube	Police Supplies	21.00
	TOTAL CLAIMS:	1,256,673.80

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider amendments to the Lexington Zoning Code. Brian Copley, City Attorney, presented amendments to Sections 5.12.02, 5.12.03, 5.13.02, and 5.13.03, specifically permitted and conditional uses in C-2 Commercial and C-3 Highway Commercial districts. Pepplitsch noted the amendments have been reviewed by the Planning Commission who recommends approval as presented. The public hearing was closed.

Ordinance No. 2367 entitled "AN ORDINANCE TO AMEND SECTIONS 5.12.02, 5.12.03, 5.13.02, AND 5.13.03 OF THE ZONING ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA; TO REPEAL ORIGINAL SECTIONS 5.12.02, 5.12.03, 5.13.02, AND 5.13.03, 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 for Council consideration. 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.

Ordinance No. 2367 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2367 on final reading. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

BOARD OF EQUALIZATION: Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. Following discussion and no public comments, the public hearing was closed. Ordinance No. 2368 entitled "AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Moved by Miller, seconded by Salem, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

Ordinance No. 2368 was presented for final reading. Moved by Miller, seconded by Roberts, to approve Ordinance No. 2368 on final reading. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to receive comments from Citizens Advisory Review Committee on the Lexington Economic Development Program. As directed by the Committee, Pepplitsch reported on activities and fund balances, noting the Committee had no comments at the time. Following discussion, the public hearing was closed. Moved by Salem, seconded by Vivas, to accept the committee report as presented. Roll call. Voting "aye" were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

PLAN AMENDMENTS: Resolution No. 2015-19 was presented. Barb Hodges reviewed proposed pension plan amendments required by state and federal tax code changes. Following discussion, moved by Miller, seconded by Roberts, to approve Resolution No. 2015-19. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION NO. 2015-19

A RESOLUTION ADOPTING THE AMENDED AND RESTATED PLAN DOCUMENTS FOR THE MONEY ACCUMULATION PLAN FOR EMPLOYEES OF THE CITY OF LEXINGTON AND THE CITY OF LEXINGTON, NEBRASKA POLICE OFFICERS' PENSION PLAN, WHICH INCLUDE REQUIRED AMENDMENTS PURSUANT TO CHANGES IN APPLICABLE TAX QUALIFICATION LAWS AND NEBRASKA STATUTES THROUGH DECEMBER 31, 2014.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Adoption of Amendment and Restatement of the City of Lexington, Nebraska Police Officers' Pension Plan and of the Money Accumulation Pension Plan for Employees of the City of Lexington: NOW, BE IT RESOLVED, that the City shall amend and restate, and it hereby does adopt, the amended and restated City of Lexington, Nebraska Police Officers' Pension Plan (the "Police Plan") and the amended and restated Money Accumulation Pension Plan for Employees of the City of Lexington (the "Money Accumulation Plan") (collectively, the "Plans") in the forms of the respective Plan documents submitted at this meeting and by this reference made a part of this resolution attached hereto and by this reference fully incorporated herein. The purpose of said amendments and restatements are to adopt the amendments for tax-qualified government retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree, and Employer Recovery Act of 2008, the Small Business Jobs Act of 2010, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, the Moving Ahead for Progress in the 21st Century Act, the American Taxpayer Relief Act of 2012, the Highway and Transportation Funding Act of 2014, the Cooperative and Small Employer Charity Pension Flexibility Act, and such other changes required by applicable law or as otherwise determined to be necessary and appropriate by the City.

Ratification of Pick-Up Provisions: FURTHER RESOLVED, that the City confirms and ratifies that the City shall, until this resolution is repealed or superseded, assume and pay the mandatory contributions made by each employee to the Plans as a pick up contribution pursuant to Section 414(h) of the Internal Revenue Code, and the contributions so picked up shall be treated as employer contributions in determining the federal and state income tax treatment of such amounts.

Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and appropriate elected officials and officers of the City of Lexington shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any documents or amendments which may be necessary or appropriate to amend, restate, and administer the Police Plan and Money Accumulation Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plans under Section 401(a) of the Internal Revenue Code of 1986, as amended, as said sections apply to government plans.

PASSED AND APPROVED THIS 8th DAY OF DECEMBER, 2015

PAY REQUEST: Pepplitsch reviewed Pay Request #1 for the Northwest 3rd Addition Phase 2 Project from Paulsen, Inc. in the amount of \$12,574.60. Moved by Roberts, seconded by Miller, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Miller, to enter into executive session at 5:55 p.m. to discuss contract negotiations. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

Moved by Miller, seconded by Roberts, to enter into open session at 6:16 p.m. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Pepplitsch reminded Council and Staff of the Work Session on Saturday, December 12, 2015, at 8:00 a.m.

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