

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

A Regular Meeting of the Lexington City Council was held Tuesday, August 23, 2016, at the Lexington City Hall, 406 E. 7<sup>th</sup> 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, WWTP Supervisor Doug Glaze 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, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 8-9-16:** Minutes of the Regular meeting held Tuesday, August 9, 2016, 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 \$595,470.34 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 \$186,024.70 from General Fund, \$62,188.10 from Street Fund, \$291,638.79 from LEXUS, \$31,107.98 from Sanitation, \$756.64 from Ambulance, \$18,179.83 from Health Fund, and \$5,574.30 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
August 23, 2016**

Aflac	Premiums	1,312.20
Amazon	Library Books	26.95
Anderson, Lydia	Library Website Hosting	65.00
Associated Supply Company, Inc.	Aquatic Center Pool Supplies	278.11
Baker & Taylor	Library Books	381.32
Barco Municipal Products, Inc.	ST Sign Materials	195.12
Business Card:		
Bob's True Value	Fire Dept / ST Supplies	472.74
Cabela's	Supplies	95.00
Denny's	Conference Meal	27.16
Firehouse Subs	Police Conference Meals	16.70
Flippin Sweet Burger	Waste Water Conference Meal	15.49
Meridian Rentals	ST Chain Saws & Materials	440.75
National Registry of EMT	EMT Testing	70.00
Post Office	WR Postage	91.80
Sprinkler Warehouse	PK Sprinkler Materials	902.24
Target	Supplies	202.53
Wal-Mart	WWTP / ST Supplies	60.16
Cash-Wa Distributing	Food & Supplies	909.41
Center Point Large Print	Library Books	88.68

Concordia University	Library Conference Registration	75.00
Consolidated Management Co.	Police School Meals	97.36
Danko Emergency Equipment	Fire Dept Tools & Supplies	703.93
Davis Energy, Inc.	Fuel / Oil	5,267.07
Diaz, Salomon	ST & Sidewalk Repair	1,300.00
Dugan Business Forms	Utility Bills & Supplies	2,259.04
Dutton-Lainson Company	EL Meter Sockets	377.24
Eakes Office Solutions	Library Copier Maintenance	683.96
Energy Pioneer Solutions	EPS Payments	2,114.60
Eustis Body Shop	Towing Service	200.00
Fagot Refrigeration & Electric, Inc.	Library / PK / City Hall Service	3,873.07
Fastenal Company	PK Supplies / WR Parts	22.47
Galls	Police Supplies	28.13
Gale/Cengage Learning	Library Books	271.69
Great Western Bank-Lib. Petty Cash	Postage / Craft Supplies / Food	159.99
Hawkins, Inc.	Aquatic Center Pool Supplies	201.70
HD Supply Waterworks	WR Curb Box Materials	734.10
Health Claims Fund	Claims	16,696.38
Hiland Dairy Foods	Food & Supplies	230.92
Holbein, Dahlas	Fire Equipment Maintenance	1,000.00
Ingram Library Services	Library Books	107.31
Intellicom Computer Consulting, Inc.	Wireless Internet Service	754.00
J & N Sales	WWTP Equipment Parts	157.70
Jack's Uniforms & Equipment	Police Supplies	70.89
Jim Phillips Construction	WR & PK Fence Repair	17,620.00
John Deere Financial	EL Supplies	17.11
Johnny on the Spot	Rentals	450.00
Johnson Service Company	Lift station Cleaning	1,125.00
K Lawn	PK Weed Spray	182.23
League of Nebraska Municipalities	Membership Dues	15,705.00
Lexington City Payroll Account:		
Payroll	Wages	158,521.16
Social Security	Employer Portion / FICA Med	11,806.87
Union Bank & Trust	Employer Portion / Pension	4,414.57
Union Bank & Trust	Police Pension	2,769.64
ICMA	City Manager Pension	870.93
Lexington Newspapers	Publications	511.40
Lexington Volunteer Fire Department	Conference & Mileage Reimbursement	236.81
Lexus	Utilities	37,142.95
Lien, Inc.	Sprinkler Svc/Tree Planting	6,502.79
Matheson Tri-Gas, Inc.	Ambulance Supplies	66.97
Mead Lumber & Rental - Lexington	PK / SW / Cemetery Supplies	521.92
Michael Todd & Company, Inc.	ST Supplies	357.62
MicroMarketing	Library Books	1,033.30
Midland Scientific, Inc.	Lab Testing Materials	612.53
Mins, Jay	Police Academy	265.68
Municipal Supply, Inc.	WR Materials & Supplies	3,310.36
National Fire Protection Association	Membership	175.00
NE Department of Health & Human Svcs	Energy Assistance Returns	590.79
Nebraska Environmental Products	ST Sweeper Materials	1,725.64
Nebraskaland Tire	WR Tire Repair	19.83
NebraskaLink	Library Internet Service	150.00
Nebraska Machinery, Co.	ST Equipment Repair	125.99
Nebraska Public Power District	O&M	86,027.39
North Platte Telegraph, The	City Subscription	171.60
OCLC, Inc.	Library Subscription	112.56
Oliver Consulting Services, Inc.	Library Computer Service	1,496.80

O'Neill Wood Resources	Wood Grinding	9,500.00
O'Reilly Auto Parts	ST Vehicle Parts & Supplies	40.68
Paulsen, Inc.	Street & Sidewalk Repair	1,857.38
Pony Express	Police Vehicle Service	726.48
Primary Electric	WWTP Service	1,088.80
Rimpley, Todd	GGC Drywall Service	800.00
S & W Auto Parts	PK / ST / SW Parts	315.66
Service Master Mid Nebraska	Cleaning Service	5,015.00
Sign Pro	Dev Svcs Field Supplies	42.00
Summit Supply Corporation of Colorado	Aquatic Center Supplies	133.95
T.O Haas Tire & Auto Svc.	Tire Repair & Replacement	121.84
Team Detail & Quicklube	Dev Svcs Vehicle Svc	40.99
Thompson Co, The	Food & Supplies	1,251.36
Tyler Technologies	UTL Office Exporter	550.00
Underground Solutions, Inc.	Boring Service	580.00
Wal-Mart	Supplies	292.18
Weathercraft Companies	Police Door Repair	325.00
Wilson, Todd	Professional Services	1,200.00
American Fence Company	PK Fence Ties	170.73
Baker & Taylor	Library Books	36.59
Business Card:		
American Red Cross	Life Guard / CPR Training	108.00
BSN Sports	PK & Rec Materials	48.09
CDW.G	Stormwater Plotter Materials	402.85
Computer Warehouse	Computer Cables & Materials	106.72
Microsoft Store	Police Computer Software	246.09
Cash-Wa Distributing	Food & Supplies	1,190.29
Community Action Partnership Mid-NE	Transportation Services Agreement	21,000.00
Dan's Sanitation	Sanitation Fees	31,107.98
Eakes Office Solutions	City Hall / Police Copier Maintenance	2,077.75
Engler, Mildred	Ambulance Refund	87.62
Fastenal Company	PK / WR / ST Parts & Materials	271.51
Gale/Cengage Learning	Library Books	83.24
Great Western Bank-Lib Petty Cash	Postage / Books	53.82
Great Western Bank-City Petty Cash	Meals / Postage / EL Rebate	114.42
Hach Company	WWTP Incubator & Testing Supplies	7,956.62
Heldt & McKeone Law Offices	Professional Services	1,012.50
Hiland Dairy Foods	Food & Supplies	240.86
Ingram Library Services	Library Books	67.02
Jim Phillips Construction	Street & Sidewalk Repair	10,143.00
Lexington, City of	Franchise Fees	92,655.28
Lexington Newspapers	Publications	8.99
Mead Lumber & Rental - Lexington	PK / Pool Materials	5.25
Michael Todd & Company, Inc.	ST Painting Materials	223.50
MicroMarketing	Library Books	74.94
Municipal Supply, Inc.	WR Materials & Supplies	527.22
NE Public Health Environmental Lab	WR Testing	429.00
Tasc-Client Invoices	Admin Fees	171.25
Thompson Co, The	Food & Supplies	555.92
Underground Construction, Inc.	EL Boring & Conduit Install	2,220.00
Verizon Wireless	Cellphone Service	357.03
Village Uniform	GGC Janitorial Supplies	50.84
Wal-Mart	Supplies	93.50
Yanda's Music & Pro Audio	Library Cable & Adapters	12.25
	TOTAL CLAIMS:	173,910.67

**FINANCIAL REPORT:** Moved by Salem, seconded by Vivas, to accept the financial report for July 2016 as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a conditional use permit application from Viaero Wireless for property located at 1711 North Erie Street for a wireless communication tower in an R-1 Single Family Residential zone. Brecks gave a brief overview of the application, noting the Planning Commission has recommended approval. Mike Harms, Viaero Wireless, explained the specifics related to the proposed 50 foot tower, including the reasons for the location of the tower at this area. He stated a 6 foot tall fence will surround the tower, and the company has received FAA approval of the site plan. There being no other public comments, the public hearing was closed. Moved by Miller, seconded by Roberts, to authorize Staff to prepare a Conditional Use Permit agreement to be presented at the next city council. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider the proposed Northwest Fifth Addition subdivision plat. Peplitsch reviewed the plat. The public hearing was closed. Following discussion, Resolution No. 2016-19 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2016-19 as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

#### **RESOLUTION NO. 2016-19**

#### **NORTHWEST FIFTH ADDITION**

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

The plat of NORTHWEST FIFTH ADDITION, a replat of part of Lot 1, Block One, and part of Lot 1, Block Three, Northwest Second Addition, an addition to the City of Lexington, Dawson County Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

**PASSED AND APPROVED this 23rd day of August, 2016.**

**WWTP PROJECT:** Peplitsch reviewed bids received for the Solids Dewatering Facility – Equipment Procurement project. He recommended awarding a contract to GEA Mechanical Equipment for the Option B bid with a cost of \$460,000. He explained the company must conduct a successful pilot study, using centrifuge equipment, prior to moving toward final procurement and installation. Following discussion, moved by Roberts, seconded by Miller, to award the bid to GEA Mechanical Equipment US, Inc., Option B, at a cost of \$460,000 and to authorize the execution of necessary documents. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

**INCUBATOR SPACE:** Peplitsch reviewed plans and specifications of the Incubator Space – Dawson County Opportunity Center project. He explained 3,500 square feet of space in the northeast corner of the building would be renovated with grant funding for a business incubator. Following discussion, moved by Salem, seconded by Roberts, to approve the plans and specs as presented and to authorize the solicitation for bids for the project. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

**POWER PURCHASE AGREEMENT:** Peplitsch reviewed a draft power purchase agreement for a 4 MW solar array facility proposed in the south portion of the Wesleyan Addition on City owned property. He explained the city would lease the property to the developer to build and operate the facility. The City would purchase all energy produced by the system to offset wholesale power purchases. He noted the long-term benefits of the project include energy savings as well as accrued environmental attributes related to renewable energy production. A Spring 2017 completion date would be anticipated. Following discussion, moved by Miller, seconded by Salem, to approve the solar power purchase agreement with Sol Systems LLC and to authorize the city manager to execute the necessary documents. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

**LEAD BASED PAINT ASSESSOR:** Jen McKeone, DAD, reviewed bids received to perform lead based paint assessment duties for owner occupied rehabilitation project CDBG OOR Grant #15-HO-33075. She recommended approval of the bid from New Horizons Inc. and award of a contract. Moved by Miller, seconded by Roberts, to award the services to New Horizons Inc. and to authorize the execution of necessary documents. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch reminded Council and Staff of the work session on Saturday, August 27, 2016, at 8:00 a.m. and gave updates on various city projects. Copley announced he received notification of the closing of the investigation by the Department of Justice involving a recent inquiry.

**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