

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

A Regular Meeting of the Lexington City Council was held Tuesday, July 26, 2016, 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, and Jeremy Roberts. Dora Vivas was excused. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, Development Services Director Bill Brecks, Police Chief Tracy Wolf, Sargent Monte Grayek, and City Clerk Pamela Baruth. The press was represented by KRVN, Clipper-Herald, Kearney Hub, and NTV.

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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 7-12-16: Minutes of the Regular meeting held Tuesday, July 12, 2016, were presented. Moved by Salem, seconded by Miller, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$607,989.73 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$201,552.45 from General Fund, \$52,074.35 from Street Fund, \$284,994.04 from LEXUS, \$28,680.88 from Sanitation, \$24,682.34 from Ambulance, \$9,593.28 from Health Fund, and \$6,412.39 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Roberts, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
July 26, 2016**

Aflac	Premiums	1,312.20
Alamar Uniforms	Police Uniforms	414.09
Amazon	Library Books	33.47
Arbor Health Plan	Ambulance Refund	183.80
Associated Supply Co, Inc.	Aquatic Center Pool Supplies	121.27
B2 Environmental	Property Inspection	620.00
Baker & Taylor	Library Books	18.00
Blue Cross Blue Shield	Ambulance Refund	413.10
Business Card:		
Cabela's	WR Supplies	415.93
Central Hydraulic Systems	WR Motor Repair	98.50
Government Finance	Webinar Registration	85.00
Hobby Lobby	Awards BBQ Decorations	99.78
Meridian Rentals	WR / PK / Cemetery Trimmers	1,268.91
Oriental Trading, Co.	Awards BBQ Decorations & Materials	272.53
Post Office	WR Postage	145.50
Ramada Hotel	Conference Lodging	156.70
Sprinkler Warehouse	WR / PK / Cemetery Supplies	204.10
T and T Tools	WR Tools	178.00

US Mail Supply	Patriot Drive Mailboxes	1,259.00
Walmart	Awards BBQ Decorations	18.20
Cash-Wa Distributing	Food & Supplies	3,381.35
Coca-Cola Bottling of Kearney	Beverages	740.40
Country Partners Coop	WWTP Sprinkler Supplies	38.20
Davis Energy, Inc.	Propane / Fuel	78.65
Dawson Co Surveyor's Office	Scans	17.00
Dell Marketing	Computer Software	635.09
Diamond Vogel Paint	ST Paint Materials	313.36
Diaz, Salomon	Yard Clean-up	250.00
Downey Drilling, Inc.	Cemetery Pressure Tank Repair	3,123.14
Dutton-Lainson Company	Electrical Supplies	50.93
Electrical Engineering & Equipment, Inc.	Opt Ctr Light Bulbs / EL Conduit Materials	212.35
Energy Pioneer Solutions	EPS Payments	3,354.95
Eustis Body Shop	Towing Service	145.00
Fagot Refrigeration & Electric, Inc.	GGC Drain Service	65.00
Fastenal Company	WWTP Disc Materials	43.18
Gale/Cengage Learning	Library Books	207.40
Galls, LLC.	Police Uniforms	41.18
Gilmore & Bell PC	2016 CURRB Issuance Expense	4,000.00
Great Western Bank-Lib Petty Cash	Postage / Craft Supplies / Food	178.04
Health Claims Fund	Claims	8,109.83
Hiland Dairy Foods	Food & Supplies	202.97
Hi-Line Motors	PK Mower Parts	46.70
HOA Solutions	WWTP Level Repair	2,421.00
Holbein, Dahlas	Fire Equipment Maintenance	1,000.00
Holbein Lawn Service	Yard Care	200.00
Holmes Plbg & Htg Supply Co.	WR / ST Supplies	62.24
Ingram Library Services	Library Books	72.70
Intellicom Computer Consulting, Inc.	Monthly Billing / Phone Line Repair	2,581.50
I I M C	Membership Dues	155.00
Jack's Uniforms & Equipment	Police Uniforms	42.74
Jakes Toro Sprinklers	WR Service	120.00
Jim Phillips Construction	Street & Curb Repair	12,987.00
Johnny on the Spot	Rentals	450.00
Johnson Service Company	Lift Station Cleaning	2,000.00
Lexington City Payroll Account:		
Payroll	Wages	174,064.14
Social Security	Employer Portion / FICA Med	13,003.34
Union Bank & Trust	Employer Portion / Pension	4,681.22
Union Bank & Trust	Police Pension	3,000.72
ICMA	City Manager Pension	881.40
Lexington Newspapers	Publications	87.50
Lexus	Utilities	46,157.12
Lien, Inc.	Rec Complex Sprinkler Repair	8,344.96
Martin's Flag Company, LLC.	Flags	2,140.80
Mr. Automotive	ST / WR Vehicle Parts	110.54
Mead Lumber & Rental-Lex	PK / Aquatic Ctr Supplies	131.51
Miller & Associates	Professional Services	1,925.00
Moore Medical	Ambulance Supplies	821.75
Municipal Supply, Inc.	Driving Range Stormwater Materials	285.44
NE Environmental Products	ST Sweeper Materials	1,519.35
Nebraska Machinery, Co.	ST Equipment Repair	2,385.13
Nebraskaland Tire, Inc.	ST / GGC / PK Vehicle Service	503.82
Nebraskalink	Library Internet	150.00
Nebraska Public Power District	O&M	102,477.78
Omaha Public Library	Library Books	20.95

Physio-Control, Inc.	Ambulance Supplies	596.88
Platte Valley Communications	Monthly Maintenance	90.00
Presto-X	Library Pest Service	75.00
Progressive Business Publications	Subscription	253.00
S & W Auto Parts	ST/WR/PK/Cemetery Vehicle Parts & Supplies	294.79
Schwan's Home Service, Inc.	Food & Supplies	25.59
Service Master Mid Nebraska	Cleaning Service	5,015.00
T.O. Haas Tire & Auto	PK Mower / WWTP Disc Tire	127.45
Team Detail	Police Uniforms	19.50
Thompson Co, The	Food & Supplies	1,179.29
Tri-City Tribune Library	Subscription	31.50
Tyler Technologies	UTL Payment Fees / Phone Notifications	1,092.85
United Healthcare	Ambulance Refund	185.44
Verizon Wireless	Cellphone Service	355.75
Walmart	Supplies	377.72
Wilson, Todd	Professional Services	1,232.57
ABC Partnership	Driving Range Labor	4,540.00
Allfasteners Midwest, LLC	SW Tools	49.83
Baker & Taylor	Library Books	45.60
Barco Municipal Products, Inc.	Bike Path Signs	508.37
Business Card:		
Skill Path	Conference Registration	398.00
Cash-Wa Distributing	Food & Supplies	2,228.73
Dan's Sanitation	Sanitation Fees	28,680.88
Davis Energy, Inc.	Fuel Purchase	3,950.97
Diaz, Salomon	Fieldhouse Concrete Work	2,500.00
Eakes Office Solutions	Library Supplies	375.02
Fagot Refrigeration & Electric	Aquatic Center Service	125.00
Fastenal Company	Aquatic Center Supplies	4.51
FedEx	2016 Hiwa Allocation Bond Expense	54.04
Fisher Scientific	WWTP Lab Testing Materials	371.58
Gale/Cengage Learning	Library Books	77.57
Gilmore & Bell PC	2016 Hiwa Allocation Bond Legal Expense	1,672.50
Great Western Bank-Lib Petty Cash	Postage / Books	33.82
Great Western Bank-City Petty Cash	Meals / Postage / EL Rebate	87.49
Hiland Dairy Foods	Food & Supplies	267.41
Ingram Library Services	Library Books	43.17
Komline-Sanderson	WWTP Sludge Pump Materials	1,825.44
Lexington, City of	Franchise Fees	93,698.41
Mins, Jay	Uniform Reimbursement	63.54
Moore Medical	Ambulance Supplies	81.87
NE Public Health Environmental Lab	WR Testing	195.00
Nebraska Machinery, Co.	ST Equipment Repair	5,537.70
NSA & POAN Conference	Registration Fees	200.00
Oliver Consulting Services, Inc.	Library Computer Service	320.00
Paulsen, Inc.	Street Repair / Concrete	2,160.61
Physio-Control, Inc.	Ambulance Defibrillator	21,935.40
Platte Valley Auto Mart	Police Vehicle Service	410.35
Platte Valley Communications	Security Camera Repair / Radios	2,244.05
Plum Creek Motors	WWTP Mower Parts	47.85
Plum Creek Promotions	Police Uniforms	92.50
Pony Express	Police Vehicle Repair	397.39
S & W Auto Parts	ST Vehicle Parts	13.50
Statewide Collection, LLC.	Collection Fees	223.72
TL Sund Constructors, Inc.	Street Repair	1,258.00
Tasc-Client Invoices	Admin Fees	171.25
Thompson Co, The	Food & Supplies	1,174.65

Village Uniform	GGC Janitorial Supplies	50.84
Wal-Mart	Supplies	155.11
Wilson, Todd	Claim Correction	-18.57
Yant Equipment Company, Inc.	Fuel Pump Repair	1,446.85
TOTAL CLAIMS:		607,989.73

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

PUBLIC COMMENT: Scott Bendler, representing his mother Ardith Bendler, appeared before Council to make comments regarding the driveway and barrier curb at her residence at Jackson and 13th Streets. He stated they felt a project involving the driveway was not completed as agreed upon during the Jackson Street paving project. They felt the current configuration was a liability to them and the city. They requested the project be completed as agreed upon. Pepplitsch stated that they changed the scope of the improvements during construction, which deviated from original intent. Fagot suggested the Bendler family and Staff meet to readdress the issue.

ORDINANCE: Ordinance No. 2380 entitled “AN ORDINANCE TO DEFINE PUBLIC PLACE FOR THE PURPOSES OF CHAPTER 26 OF THE LEXINGTON CITY CODE; TO REGULATE THE PARKING OF VEHICLES PURSUANT TO SAID CHAPTER AS IT PERTAINS TO VEHICLES PARKED ON PUBLIC PLACES FOR THE PURPOSES OF SALE, REPAIR, OR STORAGE; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH, SPECIFICALLY SEC. 26-1 AND 26-193 OF THE LEXINGTON CITY CODE; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.” was presented on second reading. Council and Staff stated that no public comments were received regarding the ordinance. 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.

The ordinance was again read by title. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2380 on final reading. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a conditional use permit application from Islamic Center of Lexington Inc. for property located at 401 North Grant Street, Lexington, NE, for a church use in a C-2 Core Commercial zone. Copley requested a draft conditional use permit agreement, a settlement agreement and release, and the Planning Commission minutes from the July 14 meeting be entered into the record. He explained that, through negotiations, the conditions lined out in the agreement were agreed upon by the Islamic Center community and the City. Conditions included a revised site plan with an occupancy of 200 and a change in the entrance, waiving the right to a hearing or protest at the Liquor Control Commission for any liquor license applications by neighboring businesses, and the use of the building will be for worship only. City conditions would include granting the use of 67 on- and off-street public parking spots within a 300 radius of the center to satisfy parking requirements, and the dismissal of an injunction against the Islamic Center. Kristie Teply, Tep’s Bar and Grill, was concerned about any future liquor licenses for her business and the proximity of the church. Copley reiterated that this agreement is based on certain conditions which, if not met or are violated, may be revoked. Claude Berreckman, attorney for the Islamic Center, commended the process to arrive at the agreement and requested approval of the CUP agreement and the settlement agreement and release. The public hearing was closed. Following discussion, moved by Miller, seconded by Roberts, to approve the conditional use permit agreement. Roll call. Voting “aye” were Salem, Roberts, Miller, Fagot. Motion carried.

Moved by Miller, seconded by Salem, to approve the settlement agreement and release as presented. Roll call. Voting “aye” were Roberts, Salem, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a conditional use permit application from MMSC, LLC, for property located at 107 West 6th Street, Lexington, NE, for a multi-family dwelling use in a C-2 Core Commercial zone. Mike Maloley explained that he plans to convert a property at the location into 2 1 bedroom apartments, each with its separate entrance. A draft agreement was presented for comments. The public hearing was closed. No action was taken.

LOAN AMENDMENT: Peplitsch reviewed an amendment to ED Loan #2014-02 with Dawson Area Development for the speculative building at 1502 East Walnut. He explained the loan originated in 2014 and the two annual loan payments of \$23,200 have been received. The amendment would increase the total amount borrowed by \$46,400 and add an additional two years to the loan period, generally returning the paid funds to the borrower to use for additional building improvements to the facility needed for the current tenant and ultimate sale of the facility. Following discussion, moved by Salem, seconded by Roberts, to approve the loan amendment as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

BUDGET REQUEST: Resolution No. 2016-18 was presented. Following discussion, moved by Miller, seconded by Salem, to approve Resolution No. 2016-18. Roll call. Voting “aye” were Roberts, Salem, Miller, Fagot. Motion carried.

RESOLUTION NO. 2016-18

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$135,000.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2016-2017.

Passed and approved this 26th day of July 2016.

PAVING DISTRICT 2016-1: Peplitsch reviewed general plans and specifications for the paving of Ontario Street between 9th and 10th Streets, and requested authorization to solicit bids. Following discussion, moved by Roberts, seconded by Miller, to approve the plans and specifications for the gap paving project and authorize the solicitations of bids. Roll call. Voting “aye” were Salem, Miller, Roberts, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #6 from Paulsen Inc. for the Northwest 3rd Addition Phase 2 Improvements in the amount of \$177,243.75. Following discussion, moved by Salem, seconded by Roberts, to approve the pay request as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #2 from Paulsen Inc. for the Frontier Street Paving project in the amount of \$107,091.45. Following discussion, moved by Miller, seconded by Roberts, to approve the pay request as presented. Roll call. Voting “aye” were Salem, Roberts, Miller, Fagot. Motion carried.

WORK SESSION: Moved by Miller, seconded by Salem, to schedule a work session for Saturday, August 27, 2016, at 8:00 a.m. Roll call. Voting “aye” were, Roberts, Salem, Miller, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Miller, to enter into Executive Session to discuss contract negotiations at 6:29 p.m. Roll call. Voting “aye” were Roberts, Miller, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Roberts, to enter in Open Session at 7:02 p.m. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

ROUNDTABLE: There were no items for discussion.

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