

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

A Regular Meeting of the Lexington City Council was held Tuesday, October 25, 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, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, Community Development Director Bill Brecks, Sergeant Ken Skiles and City Clerk Pamela Baruth.

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 10-11-16: Minutes of the Regular meeting held Tuesday, October 11, 2016, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$783,334.91 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$165,843.31 from General Fund, \$48,720.82 from Street Fund, \$379,251.77 from LEXUS, \$31,067.35 from Sanitation, \$5,005.85 from Ambulance, \$146,478.24 from Health Fund, and \$6,967.57 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**ACCOUNTS PAYABLE
October 25, 2016**

Amazon.com	Library/Wii Controller	367.92
Awards Plus - Lexington	Plaque	74.15
Baker & Taylor	Library Books	570.41
Barco Municipal Products, Inc.	ST / SW Signs	651.15
Bauer Built Tire	Tire Repair	26.50
Bennett, Susan	Conference Mileage	127.85
Bob's True Value	ST / WR / PK / Fire / Pool Supplies	871.13
Briones, Armando	Boots	64.50
Business Card		
4imprint	Stormwater Promotional	716.10
Campus Bookstore	EMT Books	1,040.58
Fairfield Inn & Suites	Police Conference Lodging	94.95
National League of Municipalities	League Conference	895.00
Post Office	WR Postage	232.25
Runza	Police Conference Meals	13.30
Sonic	Police Conference Meals	8.35
Walmart	Uniforms / ST / WR	784.54
Buysm Sod	Fieldhouse Sod	196.00
Cash-Wa Distributing	Food & Supplies	1,854.90
CCP Industries	Testing Supplies / WWTP	133.85

Center Point Large Print	Library Books	177.36
Central States Indemnity	Ambulance Refund	90.24
Coca Cola/Dr. Pepper of Kearney	Beverages	183.60
Consolidated Management, Co.	Police Academy Meals	156.57
Davis Energy, Inc.	Fuel / Oil / Grease	4,488.61
Dawson County Sheriff	Subpoena Services	18.57
Diaz, Salomon	Yard Care	450.00
Dutton-Lainson	WR Tape	273.46
Eakes Office Solutions	Library Mat / Svc Bldg Copier Maint	92.94
EDM Publishers.com	Publications	99.49
Eilers Machine & Welding	ST Supplies	30.14
Energy Pioneer Solutions	EPS Payments	2,525.52
Express Laundry	Rug Maintenance	360.89
Fagot Refrigeration & Electric, Inc.	Library / GGC / SW / Fieldhouse Service	591.60
Fastenal Company	Dev Svc/ST/WWTP Equipment Materials	512.73
Fire Extrication Hazmat Billing	Fire Equipment Fees	553.20
Felsburg Holt & Ullevig	Stormwater Professional Svc	2,980.00
Franco, Roberto	Door Install at Old Roof Pro Bldg	899.00
Gale/Cengage Learning	Library Books	272.59
Grand Island Independent, The	Library Subscription	301.65
Hastings, Phyllis	Fuel Reimb Overton MOW	168.48
Health Claims Fund	Claims	146,256.99
Heinz, Robert	Utility Refund	35.66
Hiland Dairy Foods Company LLC	Food & Beverages	393.12
Holbein, Dahlas	Fire Equipment Maintenance	1,000.00
Ingram Library Services	Library Books	301.61
Intellicom	Serv Bldg - Internet Serv	39.00
Jim Phillips Construction	Curb / Street / Main / Fence Repair	13,844.00
Johnny on the Spot	Rentals	480.00
K Lawn	PK Lawn Care	372.98
Komline-Sanderson	Sludge Pump / WWTP	401.76
Landmark Implement Inc	PK / Cem Mower Repair	1,699.02
Lexington Area Chamber of Commerce	Annual Dues	4,500.00
Lexington, City of - Operating	Bank Fee	10.00
Lexington Newspapers	Publications	219.21
Lexus	Utilities	32,554.12
Mead Lumber & Rental - Lexington	PK / WWTP Supplies	108.28
MicroMarketing	Library Books	2,805.92
Mid-Iowa Solid Waste Equipment Co, Inc.	SW Jet Nozzle	2,640.00
Mins, Jay	Police Academy Mileage	177.12
Nebraska Library Association	Library Subscription	1,020.40
Nebraska Public Power District	O & M	160,318.31
Nebraska Machinery	ST Equipment Repair	1,205.31
Nebraska Salt & Grain Co	Salt	4,704.75
Nebraskaland Tire Inc.	ST Equipment Repair	64.41
NeRPA	Annual Dues & Conf Reg / PK	100.00
Oliver Consulting Services, Inc.	Library Computer Service	3,486.80
Paulsen Inc.	Concrete	96.84
Platte Valley Auto Mart	ST Vehicle Parts	319.84
Platte Valley Communications	Mo Maint / Police Supplies	137.25
Plum Creek Promotions	Uniforms / ST / WR	855.00
Police Chiefs Association of Nebraska	Membership Fees	50.00
Police Officers Association of Nebraska	Membership Fees / Handbooks	366.00
Recorded Books, Inc.	Library Books	606.12
School Outfitters	Podium / Library	238.02
Service Master of Mid Nebraska	Cleaning Service	5,015.00
Storey Kenworthy/Matt Parrott	Office Supplies	503.45

T.O Haas Tire & Auto	ST / PK Tire Repair	85.99
Taste of Home	Subscription	32.98
Thompson Co, The	Food & Supplies	1,553.24
U-Line	ST Mail Sorter and Supplies	236.46
U-Save Business Equipment	Office Supplies	188.94
United Healthcare Ins Co	Ambulance Refund	412.24
Verizon Wireless	Cellphone Service	407.08
Village Uniform	GGC Supplies	50.84
VMware, Inc.	Subscription	171.60
Vollmer, James	ST Vehicle Repair	1,727.91
Walmart	Supplies	337.50
Ward Laboratories	WR Sample Testing	38.50
Wesco Receivables Corp	Street Lights	75,125.00
Wilson, Todd	Professional Services	1,200.00
911 Custom	Siren Amplifier	189.00
Blue Cross Blue Shield Nebraska	Ambulance Refund	885.45
Cash-Wa Distributing	Food & Supplies	718.35
Chesterman Company	Beverages	163.20
City of Kearney Library	Book	24.00
Dan's Sanitation	Sanitation Fees	31,067.35
Downey Drilling Inc.	Lubricate Grease	25.10
EMS Billing Services	Ambulance Services	2,232.56
Great Western Bank-City Petty Cash	Supplies / Meals	274.50
Great Western Bank-Lib. Petty Cash	Postage / Books	239.87
HD Supply Waterworks	EL Supplies	53.50
Hiland Dairy Foods Company LLC	Food & Beverages	276.70
Lexington City Payroll Account		
Payroll	Wages	135,662.37
Social Security	Employer Portion / FICA Med	10,057.13
Union Bank & Trust	Employer Portion / Pension	4,232.49
Union Bank & Trust	Police Pension	2,869.88
ICMA	City Manager Pension	870.93
Lexington, City of	Franchise Fees	82,826.01
Mead Lumber & Rental - Lexington	Sm Eng Repair / PK	16.72
Municipal Supply, Inc.	WR Supplies	1,199.32
Nebraska Environmental Products	Sweeper Broom	725.80
Nebraska Salt & Grain Co	Ice Control Salt	9,462.51
NE Public Health Environmental Lab	WR Testing	955.00
Orthman Community YMCA	Memberships	952.00
Paulsen Inc.	Gravel / Field House	137.63
Platte Valley Communications Kearney	Battery / WR	98.55
Scholastic Inc.	Promotions / Library	308.75
TASC	Administration Fees	171.25
Thompson Co, The	Food & Supplies	834.35
Weathercraft Companies	Maint / Roof Pro Bldg	3,310.00
WPCI	Drug Test	50.00
	TOTAL CLAIMS:	783,334.91

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

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a rezoning application submitted by Jose Gomez Aguirre for property located at 211 West Cedar changing the zoning from R-1 Single Residential to R-2 Two Family Residential. Bill Brecks reviewed the project and explained that Mr. Gomez intends to remodel the existing structure into a duplex, and there would not appear to be any adverse impacts to surrounding properties with such project. Pepplitsch noted that Staff recommends a development agreement with the owner

that would ensure compliance with building regulations prior to formal zoning change. There being no public comments, the public hearing was closed. Following discussion, moved by Miller, seconded by Salem, to approve and authorize the execution of the draft development agreement. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

Ordinance No. 2382 entitled "AN ORDINANCE TO REZONE LOTS 7, 8, AND 9, BLOCK 4, STUCKEY & LITTLE'S ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-2 TWO-FAMILY 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 first reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2382 as presented on first reading. Voting "aye" were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2016-25 was presented. Pepplitsch indicated that the resolution would authorize the borrowing of funds to support equipment purchases for the Street Department. He summarized the need to replace many fleet units over the next few years, and reviewed proposed pricing received for a heavy loader and a skid-steer loader. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2016-25. Roll call. Voting "aye" were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION 2016-25

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR CONSTRUCTION EQUIPMENT.

WHEREAS the City of Lexington, Nebraska has entered into an agreement for the purchase of:

a 2016 S650 BOBCAT SKID-STEER LOADER and a 2013 924K CATERPILLAR LOADER;

WHEREAS the financing of the purchase of said property through traditional bond financing would be impractical;

WHEREAS the financing of the purchase of said property through direct borrowing would generate taxpayer savings over traditional bond financing;

WHEREAS the City Council of the City of Lexington, Nebraska has published notice that an ordinance or resolution authorizing direct borrowing from a financial institution will appear on the agenda of the City Council meeting for October 25, 2016;

WHEREAS the total amount of indebtedness from direct borrowing shall not exceed \$133,500.00, said amount being less than ten percent of the municipal budget of the City of Lexington, Nebraska;

WHEREAS the City of Lexington, Nebraska has considered, to the extent possible, proposals from multiple financial institutions;

WHEREAS as a result of the foregoing the City of Lexington, Nebraska may borrow directly for the purchase of a SAID CONSTRUCTION EQUIPMENT, pursuant to Neb Rev. Stat. § 18-201.

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 of Lexington Nebraska. The loan amount shall not exceed \$133,500.00 for a term of 3 years at an interest rate of 1.95%.
2. That Joe Pepplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 25th day of October 2016.

PAY REQUEST: Peplitsch reviewed Pay Request #2 from Paulsen Inc. for the 2016 CIS Improvements project in the amount of \$166,348.98. Following discussion, 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.

CLOSEOUT DOCUMENTS: Peplitsch reviewed closeout documents for the Lexington Fieldhouse project, including Pay Request #8-Final, Change Order #2, and Certificate of Substantial Completion. Following an update on the project, moved by Miller, seconded by Vivas, to approve Pay Request #8, Change Order #2, and Certificate of Substantial Completion as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

WORK SESSION: Moved by Vivas, seconded by Salem, to schedule a council work session on Saturday, November 12, 2016, at 8:00 a.m. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave a brief update on current projects. Burnside reminded that Wednesday, October 26, 2016, is Walk Lex Day and encouraged everyone to walk at least 15 minutes that day.

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