

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

A Regular Meeting of the Lexington City Council was held Tuesday, April 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, 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, 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 and thereof by posting in the following locations: Lexington City Hall, Dawson County Courthouse, Homestead Bank, Great Western Bank, Pinnacle Bank on Thursday, April 21, 2016. 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 4-12-16: Minutes of the Regular meeting held Tuesday, April 12, 2016, were presented. Moved by Miller, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$727,656.81 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 \$353,895.71 from General Fund, \$96,104.18 from Street Fund, \$46,607.65 from TIF, \$149,292.59 from LEXUS, \$30,552.82 from Sanitation, \$503.70 from Landfill, \$831.19 from Ambulance, \$44,080.17 from Health Fund, and \$5,788.80 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

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

Aflac	Premiums	1,312.20
Alamar Uniforms	Police Uniforms	426.14
Baker & Taylor, Inc.	Library Books	897.12
Business Card:		
1000Bulbs.com	Svc Bldg Lights & Fixtures	260.37
4Imprint	Stormwater Promotional Materials	789.86
Adobe	Software Subscription	480.43
American Library Assoc	Conference Registration	240.00
CDW Government	PK / WWTP Ethernet Switch	153.75
City of Lincoln	Conference Parking	2.00
Cornhusker Square Garage	Conference Parking	9.00
Honest Abe's Burgers	Conference Meals	11.93
HP Product & Service	Service Call	39.00
King Buffett	Conference Meals	8.50
Marriott Hotels	Room Refund	-277.84
Meridian Rentals	Snow Blower	1,433.04

Microsoft Store	PK Computer Software	246.09
Post Office	WR Postage	163.28
Red Cross Store	LFAC CPR Kit	465.10
Sonic	Conference Meals	7.35
WEF WYTHE	Membership Dues	141.00
Cash-Wa Distributing	Food & Supplies	1,855.69
Center Point Large Print	Library Books	86.28
Davis Energy, Inc.	Fuel/Install New Fuel Tank-Service Bldg	7,166.75
Demco	Library Shipping Labels	94.10
Diamond Vogel	ST / PK Paint Brushes	132.48
Downey Drilling, Inc.	Repair Svc Bldg Heat Pump	1,011.00
Eakes Office Solutions	Library Supplies	18.99
Electrical Engineering & Equipment, Co.	PK / Fire Dept Supplies	137.37
Electronic Systems, Inc.	GGC Fire Alarm Inspection	117.00
Energy Pioneer Solutions	EPS Payments	2,409.09
Express Toll	Conference Expenses	7.10
Fagot Refrigeration & Electric, Inc.	GGC / Svc Bldg / PK / EL Service	789.86
Fastenal Company	WWTP Support Facility Shelving/Benches	1,703.02
Follett School Solutions	Library Labels	514.89
Gale/Cengage Learning	Library Books	190.64
Great Western Bank-Lib. Petty Cash	Postage / Craft Supplies / Food	276.08
Great Western Bank	CED Addition Loan Payment	46,607.65
Health Claims Fund	Claims	42,581.77
Hiland Dairy Foods Company LLC	Food & Beverages	482.27
Holbein, Dahlas	Fire Equipment Maintenance	1,000.00
Home Federal Bank	Opportunity Center Phase 3 Loan Payment	109,723.04
Homestead Bank	Optimist Rec Complex Lighting Loan Pymt	64,063.68
I C M A	Membership Dues	600.00
Ingram Library Services	Library Books	120.21
Intellicom Computer Consulting, Inc.	ESS Setup/WWTP Phone System/Mo Billing	4,880.62
Jack's Uniforms & Equipment	Police Equipment & Supplies	846.59
Johnson Service Company	SW Main Cleaning	5,380.45
Kratzer Electric, Inc.	EL Svc-Driving Range/Tennis Court Timer	1,840.91
Lexington, City of - Street Dept	CED Addition Loan Payment	46,607.65
Lexington Newspapers	Publications	65.83
Lexington Recreation Program	Pool Concessions Start-up Money	500.00
Lexus	Utilities	35,674.78
Logan Contractors Supply, Inc.	ST Tar	8,330.00
Luther, Ann	Conference Expenses	160.46
Magana, Teresa	Tuition	282.00
Mead Lumber & Rental - Lexington	PK/ST/SW/Cemetery Lumber & Materials	2,516.90
Micro Marketing	Library Books	1,834.09
Midwest Door & Hardware	Fieldhouse Deadbolts & Materials	137.00
Municipal Supply, Inc.	WR Pipe Repair Parts	590.58
Mr. Automotive	SW / Cemetery Vehicle Parts	103.33
NE DOL/Boiler Inspection Program	WWTP Boiler Recertification	36.00
Nebraska Environmental Products	ST Equipment Parts	1,025.51
Nebraska Library Association	Conference Registration	30.00
Nebraska Machinery	ST Vehicle Repair	3,023.68
Nebraska Public Power District	Irrigation Contract	900.00
NE Public Health Environmental Lab	WR Testing	150.00
Nebraskaland Tire	ST Vehicle Service	43.71
Nebraskalink	Library Internet	30.00
OCLC, Inc.	Library Subscription	108.31
Orthman Community YMCA	Wellness	995.80
Page My Cell	Ambulance Service	550.00
Paulsen, Inc.	Street & Curb Repair	260.05

Peak Interests	Food	167.86
Pepplitsch, Joe	Conference Expenses	689.66
Platte Valley Auto Mart, Inc.	2016 Ford Explorer Police Vehicle	29,999.00
Platte Valley Communications	Mo Maint/Repair Radios/Install Keypad	1,335.90
Quality Books, Inc.	Library Books	112.24
Recorded Books, Inc.	Library Annual Subscription	716.94
S & W Auto Parts	WR / CEM Vehicle Parts & Supplies	58.17
Service Master of Mid Nebraska	Cleaning Service	5,572.76
Sign Pro	Fieldhouse Signs / Stormwater Decals	770.00
SS Pawn	Police Supplies	96.59
Statewide Collections	Collection Fees	575.28
Taste of Home	Library Books	31.98
Team Detail	Dev Services Vehicle Service	40.99
Terry Berry	Employee Recognition	299.18
TM Sporting Goods	PK Baseballs & Supplies	170.91
Thompson Co, The	Food & Supplies	1,540.15
Verizon Wireless	Cellphone Service	357.39
Village Uniform	GGC Cleaning Supplies	338.74
Vollmer, James	PK Vehicle Engine Repair	1,339.75
Wal-Mart	Supplies	483.15
Wilson, Todd	Professional Services	1,200.00
Yung, Mark	Safety Boots	59.99
Baker & Taylor, Inc.	Library Books	496.03
Cash-Wa Distributing	Food & Supplies	688.66
Dan's Sanitation	Sanitation Fees	30,552.82
Diaz, Salomon	Fieldhouse Sidewalk	1,200.00
Fagot Refrigeration & Electric, Inc.	WWTP Reznor Materials	57.58
Great Western Bank-Lib. Petty Cash	Postage	8.82
Great Western Bank-City Petty Cash	Postage / Supplies	164.95
Hawkins, Inc.	LFAC Pool Chemicals	852.90
Hiland Dairy Foods Company LLC	Dairy Products	304.37
Intellicom Computer Consulting, Inc.	Rec Complex Internet Svc	78.00
J & N Sales	WWTP Bearing System	1,900.00
Jim Phillips Construction	Street & Curb Repair	3,616.00
Johnson Service Company	SW Main Cleaning	1,425.00
Law Enforcement Coordination Unit	Conference Registration	130.00
Lexington, City of	Franchise Fees	70,018.09
Lexington City Payroll Account:		
Payroll	Wages	142,456.92
Social Security	Employer Portion / FICA Med	10,564.25
Union Bank & Trust	Employer Portion / Pension	4,825.17
Union Bank & Trust	Police Pension	2,568.50
ICMA	City Manager Pension	865.69
Lexington Newspapers	Publications	330.49
Mead Lumber & Rental - Lexington	PK Lumber	31.52
Micro Marketing	Library Books	947.68
Mid-American Research Chemical	PK Supplies	156.51
Milco Environmental Services, Inc.	Landfill Closure	503.70
Mr. Automotive	ST Vehicle Parts	144.24
S & W Auto Parts	PK Vehicle Parts	107.39
Sirchie Fingerprint Laboratories	Police Supplies	171.35
Tasc- Client Invoices	Administration Fees	186.20
Thompson Co, The	Food & Supplies	764.93
Wal-Mart	Supplies	142.39
Ward Laboratories	WR Testing	38.50
	TOTAL CLAIMS:	727,656.81

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

BOND RESOLUTION: Resolution No. 2016-11 was presented. Marc Munford, Ameritas, reviewed proposed refinancing savings of 5% on the 2011 Series Combined Utilities Revenue Bonds. He noted, in addition to the proposed savings, refinancing would remove one year off the bond issue while keeping annual debt payments relatively level. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2016-11 as presented. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION 2016-11

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds of the City of Lexington, Nebraska, in accordance with their option provisions are hereby called for payment on June 1, 2016, after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, 2011 Series, of the City of Lexington, Nebraska, date of original issue – June 1, 2011, outstanding in the principal amount of One Million One Hundred Seventy Thousand Dollars (\$1,170,000), numbered as shown on the books of the Paying Agent and Registrar, in denominations of \$5,000 each, becoming due and bearing interest as follows:

Principal Amount	Maturity Date	Interest Rate	CUSIP No.
\$115,000	September 15, 2016	2.10%	529449 FY1
120,000	September 15, 2017	2.45	529449 FZ8
120,000	September 15, 2018	2.75	529449 GA2
125,000	September 15, 2019	3.10	529449 GB0
130,000	September 15, 2020	3.30	529449 GC8
135,000	September 15, 2021	3.50	529449 GD6
140,000	September 15, 2022	3.65	529449 GE4
145,000	September 15, 2023	3.85	529449 GF1
140,000	September 15, 2024	4.00	529449 GG9

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after June 1, 2016, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used for the purpose of providing funds for: 1) refunding on June 1, 2011, Combined Utilities Revenue Bonds, 2004 Series, of the City, date of original issue – September 28, 2004; 2) making a deposit into the Debt Service Reserve Account with respect to the 2011 Series Bonds; and 3) paying the cost of issuance of the 2011 Series Bonds.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of Lexington, Lexington, Nebraska, as paying agent and registrar (the "Paying Agent and Registrar").

Section 3. A true copy of this resolution shall be filed immediately with the Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds and give notice to The Depository Trust Company in accordance with its standard procedures not less than thirty (30) days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the Refunded Bonds.

Approved April 26, 2016

BOND ORDINANCE: Ordinance No. 2373 entitled “AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE REFUNDING BONDS, 2016 SERIES, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF ONE MILLION SIXTY THOUSAND DOLLARS (\$1,060,000) FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT AND REDEMPTION OF THE CITY'S OUTSTANDING COMBINED UTILITIES REVENUE REFUNDING BONDS, 2011 SERIES; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM” was presented on first reading. Moved by Salem, seconded by Vivas, to suspend the rules regarding the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2373 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2373 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

REZONE APPLICATION: Mayor Fagot opened a public hearing to consider an application to rezone property located at 210 West 17th Street from R-1 Single Family Residential to R-3 High Density Residential. Brecks reported Jose Gomez-Aguirre has been working with the Building Department on the original duplex planned but feels the space is more feasible as a triplex. He outlined a preliminary plan of three apartments with off-street parking spaces. He stated a development agreement, which includes the building permit for the project, would be approved by Gomez-Aguirre and the city, and the rezone change could happen after the certificate of occupancy is issued. It was noted the Planning Commission recommended approval of the rezone as there is a need for housing and felt this project would fit in the mixed residential zoned area. There were no comments from the public. The public hearing was closed. Ordinance No. 2374 entitled “AN ORDINANCE TO REZONE THE NORTH 27 FEET OF LOT 9, AND ALL OF LOTS 10, 11, AND 12, BLOCK 4, LEXINGTON HEIGHTS ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-3 HIGH DENSITY 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. Moved by Miller, seconded by Vivas to approve Ordinance No. 2374 on first reading. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

CONDITIONAL USE: Mayor Fagot opened a public hearing to consider a conditional use permit application for property located at 616 North Washington Street. Brecks reviewed a plan by Nuridin Nur to operate a child care center in the building with a required outside play area. The draft conditional use agreement included conditions to meet all state and local applicable codes for a child care center, abide by existing utility easement requirements, maintain adequate storm water drainage facilities in the area, and develop a required outdoor play area in a manner that minimally impacts abutting properties. The Planning Commission recommended approval of the use, with such conditions discussed. There were no public comments. The public hearing was closed. Moved by Miller, seconded by Vivas, to approve the conditional use application per the terms of the proposed conditional use agreement, and authorize the execution of the agreement with the property owner following the owner’s successful licensing of the facility for use. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

LIBRARY REPORT: Pat Longly, Library Board member, presented an annual operating report of the Lexington Public Library including programming, statistics, and strategic planning. Moved by Miller, seconded

by Roberts, to accept the annual library report as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Roberts, seconded by Miller, to enter into Executive Session at 6:22 p.m. to discuss the performance of the city manager, and pending litigation issues. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

Moved by Roberts, seconded by Miller, to return to Open Session at 6:44 p.m. Roll call. Voting “aye” were Vivas, Salem Miller, Roberts, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update on current projects and stated he would send out possible dates for a council work session.

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