

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

A Regular Meeting of the Lexington City Council was held Tuesday, May 24, 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. 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 5-10-16: Minutes of the Regular meeting held Tuesday, May 10, 2016, were presented. Moved by Salem, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

MINUTES – WORK SESSION 5-21-16: Minutes of the Work Session held Saturday, May 21, 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 \$1,096,125.57 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 \$379,636.50 from General Fund, \$60,453.42 from Street Fund, \$157,701.92 from TIF, \$423,989.69 from LEXUS, \$30,917.36 from Sanitation, \$413.64 from Ambulance, \$38,568.79 from Health Fund, and \$4,444.25 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
May 24, 2016

Aesseal, Inc.	WWTP Sludge Packs	821.95
Aflac	Premiums	1312.20
Alamar Uniforms	Police Uniforms	132.48
Amazon Library	Books	23.86
Associated Supply Company, Inc.	LFAC Pool Chemicals	6098.50
B & D Diamond Pro, Inc.	PK Ballfield Clay & Conditioner	4760.00
Baker & Taylor, Inc.	Library Books	465.52
BOK Financial	2015 COP Bond WWTP Support Facility	2,013.75
Business Card		
4Imprint	Stormwater Promotional Materials	721.46
CDW.G	Stormwater Plotter Materials	406.23
Dairy Queen	Conference Meals	7.00
Kaw Valley Greenhouses, Inc.	Flowers for Svc Bldg Flower Beds	25.18
Log Me In	Software Maintenance	149.00

Menards	WWTP Support Facility Window Blinds	80.22
Meridian Rentals	Trimmers & Parts	1,063.71
National Registry of EMT	EMT Certification	70.00
North Platte Rec Center	Water Safety Instructor Class	600.00
PayPal	Nebraska Wastewater Operators Membership	30.00
Post Office	WR Postage	118.72
Red Cross Store	Lifeguard Training Materials	572.06
Runza	Conference Meals	8.09
Sprinkler Warehouse	PK / ST / Cemetery Sprinkler Parts	480.25
Steinbrink Landscaping	Flowers for Svc Bldg Flower Beds	7.96
Streamlight	Police Supplies	32.46
Tennis Warehouse	Tennis Balls & Ball Cart	568.70
Cash-Wa Distributing	Food & Supplies	2,248.52
Center Point Large Print	Library Books	88.68
Central Fire & Safety	Fire Extinguisher Maintenance	3,764.50
Centurion Technologies	Library Annual Maintenance Fees	189.75
Community Development Agency	Lex Investors/Cornhusker Series A&B/Ford&Ford	157,701.92
Conney Safety	Pool Cleaning Supplies	619.41
Country Partners Coop	Weed Spray	753.05
Cummins Central Power	WWTP Generator Maintenance Agreement	864.70
Davis Energy, Inc.	Fuel / Propane / Oil	61.86
Demco	Library Book Supplies	698.24
Depository Trust Company	2014 CURRB / 2008 GO Bond Payment	179,631.25
DeZURIK	WWTP Sludge Line Materials	745.00
Dutton-Lainson Company	EL Meters	370.24
Eakes Office Solutions	Police / Library Supplies	137.70
Energy Pioneer Solutions	EPS Payments	2,348.54
Fagot Refrigeration & Electric	Opp Cntr / LFAC / Library Svc & Repair	1,328.25
Fastenal Company	Svc Bldg Shelving & Drill / PK / SW Materials	1,406.08
FireGuard, Inc.	Fire Equipment Repairs	152.88
G & V, Inc.	Clean Settling Ponds at WWTP	6,600.00
Gale/Cengage Learning	Library Books	148.14
Galls, Inc.	Police Uniforms	64.12
Great Western Bank-Lib. Petty Cash	Postage / Craft Supplies / Food	189.05
HD Waterworks	WR Meter Register & Materials	1,426.13
Health Claims Fund	Claims	37,256.59
Hiland Dairy Foods Co LLC	Food & Beverages	302.37
Holbein, Dahlas Fire Equipment	Maintenance	1,000.00
Holmes Plbg & Htg Supply, Co.	WR Tool	81.64
Ingram Library Services	Library Books	126.29
Intellicom Computer Consulting	Nexus Backup Setup / PC Cleanup	119.73
Jack's Uniforms & Equipment	Police Equipment & Supplies	163.84
Jim Phillips Construction	WWTP Support Facility Parking & Sidewalks	6,134.00
Johnny on the Spot	Rentals	450.00
Johnstone Supply	Opp Cntr / City Hall Furnace Filters	300.88
K Lawn	PK Lawn Care	182.23
Knapp Electric, Inc.	Liftstation Pump Repair	1,902.70
League of NE Municipalities	2016 Accounting Conference Registration	768.00
Lexington Newspapers	Publications	1,852.07
Lexington Rural Fire Protection District	7th & Tyler Building Payment	25,634.55
Lexus	Utilities	33,773.55
Mr. Automotive	Cemetery / PK Vehicle Parts	87.39
Matheson Tri-Gas, Inc.	Ambulance Medical Supplies	66.97
McCormack Distributing Co, Inc.	GGC Ice Cream Machine Repair	235.00
Mead Lumber & Rental - Lex	PK / ST / SW / Storm Water Supplies	650.38
Micro Marketing	Library Books	1,195.43
Miller & Associates	2016 Routine Bridge Inspections	749.84

Municipal Code Corporation	Code Books	307.22
NE Dept of Environmental Quality	WWTP Improvement Payment	157,862.75
Nebraska Public Power District	O & M	61,393.17
Nebraska Secretary of State	Notary Fee	30.00
Norfolk, City of	NCMA Conference Registration	240.00
NSG Transport, Inc.	Ballfield Conditioner Transportation Service	784.00
OCLC, Inc.	Library Subscription	108.31
Odeys, Inc.	Ballfield Conditioner	6,340.00
Oliver Consulting Services, Inc.	Library Computer Service	400.00
Paulsen, Inc.	Street & Curb Repair	657.48
Pinnacle Bank	Bobcat Excavator Payment	20,834.93
Platte Valley Communications	Monthly Maint/Repair Radios/Cruiser Install	1,474.47
Plum Creek Motors	WWTP Bad Boy Used Mower	5,591.00
Presto-X	Library Pest Service	75.00
Primary Electric	WWTP Service	2,668.13
Richardson Mowing	Library Mowing Service	85.00
S & W Auto Parts	ST/PK/Storm Water/CEM Vehicle Parts & Spls	206.90
Service Master of Mid Nebraska	Cleaning Service	5,015.00
Sign Pro	Lettering for Police Vehicle / PK Shelter Signs	183.00
Taste of Home	Library Books	31.98
Thompson Co, The	Food & Supplies	700.35
Titan Machinery	2012 Hamm Compactor Roller	46,000.00
Tri State Oil Reclaimers, Inc.	Oil Waste Disposal	81.50
Unisan Nebraska, LLC.	Opp Cntr / PK Janitorial Supplies	1,304.52
Village Uniform	GGC Cleaning Supplies	50.84
Vollmer, James	WR Vehicle Repair	112.00
Wal-Mart	Supplies	592.34
Wilson, Todd	Professional Services	1,200.00
Alamar Uniforms	Police Uniforms	585.46
Baker & Taylor, Inc.	Library Books	14.10
Cash-Wa Distributing	Food & Supplies	891.84
Central Plains Library System	Conference Registration	10.00
Dan's Sanitation	Sanitation Fees	30,917.36
Davis Energy, Inc.	Fuel Purchase	4,492.22
Fagot Refrigeration & Electric	LFAC Heat Pump Service & New Motor Wiring	380.50
Family Advocacy Network	Police Subscription	1,000.00
Gale/Cengage Learning	Library Books	65.25
Great Western Bank-Lib. Petty Cash	Postage	15.45
Great Western Bank-City Petty Cash	Postage / Supplies	49.45
Hawkins, Inc.	LFAC Pool Chemicals	924.60
HD Waterworks	Sensus Annual Support	4,833.03
International Code Council, Inc.	Membership Dues	135.00
Lexington, City of	Franchise Fees	72,784.00
Lexington City Payroll Account:		
Payroll	Wages	147,289.08
Social Security	Employer Portion / FICA Med	10,956.89
Union Bank & Trust	Employer Portion / Pension	4,394.04
Union Bank & Trust	Police Pension	2,834.40
ICMA	City Manager Pension	865.69
Mead Lumber & Rental - Lex	ST / LFAC Supplies	23.27
Micro Marketing	Library Books	29.99
Orthman Community YMCA	Wellness	997.34
Peach Cobbler Books	Library Books	136.76
S & W Auto Parts	PK Vehicle Parts	51.36
Verizon Wireless	Cellphone Service	356.42
Wall Street Journal, The	Library Subscription	455.00
Wal-Mart	Supplies	191.73

Weathercraft Companies	Police Bldg Repair	964.69
	TOTAL CLAIMS:	1,096,125.57

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

ORDINANCE: An Ordinance entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2016-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS” was presented. Peplitsch noted approval of this ordinance would begin the notice and design phase of paving improvements on Ontario Street between 9th and 10th Street. Following discussion, moved by Salem seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

Ordinance No. 2376 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2376 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

PILOT: Diane Adams, Lexington Housing Authority, requested a waiver of the Payment in Lieu of Taxes agreement with the City of Lexington for Fiscal Year 2016-2017. Following discussion, moved by Miller, seconded by Vivas, to approve a waiver of the PILOT agreement as requested. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

CONTRACT: Peplitsch reviewed an operating agreement with West Central Area Agency on Aging for the Meals Program for FY 2017. Following discussion, moved by Roberts, seconded by Salem, to approve the operating contract as presented and to authorize execution. Roll call. Voting “aye” were Miller, Vivas, Salem, Roberts, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #5 from Paulsen Inc. for the Northwest 3rd Addition Phase 2 Improvements project in the amount of \$278,577.00. Following discussion, moved by Salem, seconded by Miller, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

CHANGE ORDER: Peplitsch reviewed Change Order #1 for the South Adams/Airport Road Asphalt Overlay project. He explained the order is for additional asphalt overlay work on East Walnut Street. He noted the change order amount is within budget and fits well into the pending highway allocation bond issue for roadwork for the current fiscal year. Following discussion, moved by Miller, seconded by Salem, to approve Change Order #1 for the South Adams/Airport Road Asphalt Overlay project as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

ORDINANCE: Mayor Fagot opened a public hearing to consider Ordinance No. 2377 entitled “AN ORDINANCE TO AMEND SECTION 105-124 (1) OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTION 105-124 (1) AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM”. Peplitsch explained this minor amendment is at the request of FEMA and should not create any adverse issues for the community. The public hearing was closed. Following discussion the ordinance was read, moved by Roberts, seconded by Miller, to suspend the rules regarding the reading of an ordinance of three separate occasions. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

Ordinance No. 2377 was presented on final reading. Moved by Roberts, seconded by Miller, to approve Ordinance No. 2377 as presented. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

RESOLUTION: Resolution No. 2016-12 was presented. Peplitsch noted the resolution directs the execution of deed related to the sale of property per Ordinance 2371. He reported that there have been no public comments during the remonstrance period. Moved by Salem, seconded by Roberts, to approve Resolution No. 2016-12. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2016 - 12

WHEREAS, the City has by Ordinance No. 2371 approved the sale of the following described real estate owned by the City of Lexington, to-wit:

Lots 11, 12, 13, 14, 15, all in Block 1, Northwest Third Addition to the City of Lexington, Dawson County, Nebraska;

Lots 9 and 10, in Block 2, Northwest Third Addition to the City of Lexington, Dawson County, Nebraska;

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, all in Block 3, Northwest Third Addition to the City of Lexington, Dawson County, Nebraska;

Lots 1, 2, 3, 4, and 5, all in Block 4, Northwest Third Addition to the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to the Community Development Agency of Lexington, Nebraska, the purchaser thereof, in accordance with the terms and conditions for such sale as set forth in Ordinance No. 2371.

PASSED AND APPROVED May 24, 2016

RESOLUTION: Resolution No. 2016-13 was presented. Peplitsch reviewed the proposed borrowing. Following discussion, moved by Miller, seconded by Vivas, to approve Resolution No. 2016-13. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

RESOLUTION 2016-13

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR A 2016 COMMERCIAL WIDE AREA MOWER.

WHEREAS the City of Lexington, Nebraska has entered into an agreement for the purchase of a 2016 COMMERCIAL WIDE AREA MOWER;

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 on May 24, 2016;

WHEREAS the total amount of indebtedness from direct borrowing shall not exceed \$45,000.00, 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 2016 COMMERCIAL WIDE AREA MOWER 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 \$45,000.00 for a term of 3 years at an interest rate of 2.09%.
2. That Joe Peplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 24th day of May 2016.

WWTP: Peplitsch reviewed the Solids Dewatering Facility Equipment Procurement project. He explained the bid would be for equipment at the Wastewater Treatment Plant to dewater sludge. Following discussion, moved by Roberts, seconded by Miller, to approve specifications for the project and to authorize the solicitation of bids. Roll call. Moved by Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Miller, seconded by Roberts, to enter into Executive Session at 6:00 p.m. to discuss pending litigation. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

Moved by Roberts, seconded by Vivas, to return to Open Session at 6:31 p.m. Roll call. Voting "aye" were Miller, Salem, Vivas, Roberts, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update on current projects.

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