

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

A Regular Meeting of the Lexington City Council was held Tuesday, May 23, 2017, 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, Dora Vivas, Steve Smith, and Jeremy Roberts. 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 5-9-17: Minutes of the Regular meeting held Tuesday, May 9, 2017 were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

MINUTES – WORK SESSION 5-13-17: Minutes of the Work Session held Saturday, May 13, 2017, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,814,022.99 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$286,125.23 from General Fund, \$49,918.90 from Street Fund, \$61,380.00 for Economic Development Fund, \$153,985.86 from TIF Fund, \$12,499.00 from Housing Reuse Fund, \$1,182,920.22 from LEXUS, \$31,215.92 from Sanitation Fund, \$585.21 from Ambulance Fund, \$34,256.88 from Health Fund, and \$1,135.77 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
May 23, 2017**

Aflac	Premiums	1,261.11
All Fasteners	ST / Freight	10.00
Associated Supply Co	AC / Pool Supplies	5,648.92
Bauer Built Tire	CM / Bobcat Tire Repair	36.00
Bob's True Value	PK / ST / Landscaping Supplies / Paint	492.91
BOK Financial	WWTP Support Facility/2015 COP Bond	1,758.75
Cash-Wa Distributing	OC / PK /Concessions/Janitorial Supplies	813.40
CCP Industries	WWTP / Lab Supplies	136.03
Central Fire& Safety	Fire Extinguisher Inspection	2,301.50
Central Hydraulic	ST / Plow Blade Edges	532.00

Chesterman's	PK / Beverages	408.00
Community Development Agency	TIF / CDA / Kirkpatrick Land / Prop Tax	153,985.86
Complete Roofing & Remodeling	OOB Rehab Work	12,499.00
Country Partners Coop	PK / ST / Lawn Supplies	2,918.90
Davis Energy	FD / PK / ST / WR / Fuel / Equip Rental	6,494.84
Dawson County Court	Court Costs	34.00
Dutton-Lainson EL / Meter Socket		159.09
Eakes Office Solutions	Admin/LB/PD/Copier/Office Supplies	1,973.80
Energy Pioneer Solutions	EPS Payments	1,788.63
Electrical Engineering & Equipment	OC / ST / WR / Conduit / Tape	180.63
Eustis Body Shop	DV SRV / Towing	100.00
Fastenal	WWTP / Angle Grinder	105.82
Gale/Cengage	LB / Books	223.42
Grainger	WWTP / Lighting	866.99
H D Supply	WR / Meter Cable	1,605.00
Health Claims	Claims	32,995.77
Heldt & McKeone Trust	Land Purchase	61,050.72
Holbein, Dahlas	Truck Maintenance/Repairs	1,000.00
Holbein Lawn Service	DV SRV / Property Maintenance	100.00
Ingram Library Services	LB / Books	78.60
Intellicom	Upgrades/Domain/Computer Services	2,693.95
Jake's	LB / Sprinkler Heads	120.30
Johnson Lake Flying Service	ST / Weed Spray	553.30
Johnson Service Co	SW / Lift Station / Sewer Main	3,275.00
K Lawn	PK / Fertilizer / Weed Control	204.45
KRVN	Public Service Announcements	185.60
Lexington General Fund	Econ Dev 2010 Loan	61,380.00
Lexington Newspapers	Publications	848.30
Lexington Public Schools	EL / Rebate	1,605.00
Lexington Regional Health	Ambulance / Supplies	135.00
Lexington Rural Fire Protection	7th & Tyler Building Payment	25,634.55
Lexus	Utilities	29,482.98
Lincoln Winwater Works	WR / Chopsaw Blades	670.66
Madeline's Bakery & Café	Refreshments / Council Work Session	18.95
Mead Lumber	AC / PD / Caulking / Fire Demo / Paint	91.72
Michael Todd & Co	ST / WR / Shovels / Spades	322.51
Micro-Marketing	LB / Books	744.73
Miller & Associates	Professional Services	200.00
Moore Medical	Ambulance / Medical Supplies	150.21
Nebraska Dept Environmental Quality	WWTP / Loan Payment	156,816.44
Nebraska Law Enforcement Center	PD / Training	50.00
Nebraska Mosquito Control	ST / Training	120.00
Nebraska Public Power District	Power Purchase / O & M	860,039.31
OCLC Inc	LB / Subscription	112.56
Oliver Consulting	LB / Backup Subscription	10.00
O'Reilly Auto Parts	ST / Sweeper Light Bulb	8.16
Orthman Community YMCA	Memberships	892.00
Platte Valley Auto Mart	PD / Vehicle Maintenance	49.02
Platte Valley Glass	WWTP / Door Replacement	3,150.00
Reutlinger, Roger	EL / Rebate	1,900.00
Richardson Mowing	LB / Lawn Service	90.00
Rowe, Dylan	EL / Rebate	1,900.00
RuralMED	GGC / Foot Clinic	270.00
S W Auto Parts	ST / Tank Parts / Air Nozzle	35.25

Sensus	EL / WR / Annual Support	3,722.06
Service Master	Janitorial Services	5,093.75
SiteOne Landscaping	PK / Sprinkler Heads	392.05
Spectrum	Cable Service	23.56
Subway	PD / Interview Lunch	32.50
Team Detail	PD / Uniform Alterations	14.00
TO Haas Tire & Auto	PK / ST / WR / Tire Repair	392.79
Todd Wilson, P.C.	Professional Fees	1,200.00
US Mail Supply	Mail Box Clusters	7,875.00
Utility Service Co	WR / Tower Maintenance	17,953.36
Village Uniform	GGC / Janitorial Supplies	55.84
Walmart	LB / PD / Office Supplies / DVD's	86.90
Ward Laboratories	WR / Water Testing	154.00
Warren, Andrea	LB / Books	120.00
Associated Supply Co	AC / Pool Supplies	878.26
Bennett, Susan	GGC / Mileage / NASC Conference Mtg	69.98
Business Card		
COOLHousePlans	House Plans	1,832.00
Hilton Garden Inn	Conference	165.60
International Code Council	Recertification	200.00
LogMeIn Pro	Software	249.99
Microsoft	Software	117.69
Red Cross	Lifeguard Manual	859.65
The National Registry	EMT Exam	80.00
USPS	Postage / Water Samples	142.95
VariDesk	Cube Corner Desk	555.00
Cash-Wa Distributing	OC / ST / Food & Supplies	159.75
Conney Safety	PK / ST / WWTP / Safety Supplies	947.63
Dan's Sanitation	Sanitation Fees	31,215.92
Davis Energy, Inc.	ST / Fuel	832.58
Galls	PD / Uniforms	567.84
Gemplers	ST / Tractor Canopy	401.75
Great Western Bank	2016 John Deere Mower Payment	15,631.32
Great Western Bank-City Petty Cash	Admin/DV SRV/PD/Postage/Mtg Meal	117.24
Great Western Bank-Lib. Petty Cash	LB / Book Loans/ Postage	198.95
International Code Council	DV SRV / Code Books / Membership	1,320.81
Lexington City Payroll Account		
Payroll	Wages	142,269.58
Social Security	Employer Portion / FICA Med	10,592.68
Union Bank & Trust	Employer Portion / Pension	4,284.67
Union Bank & Trust	Police Pension	2,837.09
ICMA	City Manager Pension	870.93
Lexington, City of	Franchise Fees	72,540.76
Lexington Newspaper	AC / GGC / PK / Notice / Utility	1,083.15
Mead Lumber	AC / Hardware	7.60
Municipal Supply	WWTP / Valves / Lids	69.60
NE Public Health Environmental Lab	WR / Testing	198.00
Nebraska Safety & Fire	PK / Alarm Inspection	135.00
Odeys Inc	PK / Fence Guard Tool	59.95
Pinnacle Bank	2015 Bobcat Loan Payment	20,834.93
Pool Supply Unlimited	AC / Pool Slide	19,030.38
S W Auto Parts	PK / Mower Filter	23.88
Walmart	PD / Batteries	204.43
	TOTAL CLAIMS:	1,814,022.99

FINANCIAL REPORT: Moved by Roberts, seconded by Smith, to accept the financial report for April 2017. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

PUBLIC COMMENTS: Nola Reed requested clarification for plans at Greenwood Cemetery. William Carey Blough requested information on liquor license applications and building and zoning codes.

LIQUOR LICENSE: Mayor Fagot opened a public hearing to consider a liquor license application for a Class “I” License for Madeline’s Café and Bakery at 501 North Washington. There was no representation for the license applicants. The public hearing was closed. Following discussion, moved by Roberts, seconded by Salem, to forward a no recommendation of approval or denial. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

REDEVELOPMENT PLAN: Mayor Fagot opened a public hearing to consider an amended redevelopment plan for Redevelopment Area #5. Pepplitsch reviewed the plan for up to 60 townhome units. The plan represents an investment of over \$6 million in the Southwest 1st Addition, will contain an estimated 3 phases, and will blend well with current housing projects in the area. He also noted the CDA and Planning Commission have reviewed the amendment and have recommended approval. Being no further public comment, the hearing was closed. Resolution No. 2017-16 was presented. Following discussion, moved by Salem, seconded by Vivas, to approve Resolution No. 2017-16. Roll call. Voting “aye” were Roberts, Smith, Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2017-16
(Amendment to the Redevelopment Plan and Cost-Benefit Analysis –
The Row Redevelopment Project)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN #5 IN THE CITY OF LEXINGTON, NEBRASKA AND A COST-BENEFIT ANALYSIS FOR THE ROW REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Plan for Redevelopment Area #5 (the “Redevelopment Plan”), which covers certain portions of the City of Lexington, Nebraska that have been declared blighted and substandard and in need of redevelopment (the “Redevelopment Area”), was adopted by the City Council of the City of Lexington pursuant to Resolution No. 07-12 on February 27, 2007;

WHEREAS, an Amendment to the Redevelopment Plan (the “Amendment”) for the Row Redevelopment Project (the “Project”) has been prepared pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101, et seq. (the “Act”) to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions (the “Project Site”), which is attached as Exhibit “A” and incorporated by this reference;

WHEREAS, the Project will use tax increment financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain public improvements on the Project Site and/or the Redevelopment Area, as more particularly described in the Amendment;

WHEREAS, the Community Development Agency of the City of Lexington, Nebraska, as required under Section 18-2113(2) of the Act, has conducted a Cost-Benefit Analysis for the Project, which is attached as Exhibit “B” and incorporated by this reference;

WHEREAS, on May 23, 2017, a meeting of the City Council of the City of Lexington, Nebraska was held at the Lexington City Council Chambers, 406 E 7th Street in Lexington, Nebraska in order to

conduct a public hearing to determine whether the Amendment and the Cost-Benefit Analysis should be approved;

WHEREAS, a notice of public hearing was published for at least two (2) consecutive weeks, the last of which was at least ten (10) days prior to the time and date of the public hearing, which notice of public hearing described the time, date, place and purpose of the hearing;

WHEREAS, the City Council of the City of Lexington reviewed and discussed the recommendations received from the Planning Commission;

WHEREAS, the City Council has duly considered all statements made and materials submitted related to the submitted questions;

WHEREAS, the Amendment clarifies the scope of the Redevelopment Plan and incorporates the Row Project into the Redevelopment Plan and into compliance with the Act;

WHEREAS, the Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to Section 18-2109 of the Act;

WHEREAS, the amended Redevelopment Plan will, in accordance with the present and future needs of the City of Lexington, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act;

WHEREAS, the Amendment is feasible and is in conformance with the general plan for development of the City of Lexington as a whole, as set forth in the City of Lexington Comprehensive Plan, as amended;

WHEREAS, the Project would not be economically feasible without the use of tax increment financing and would not occur in the Redevelopment Area without the use of tax increment financing;

WHEREAS, the costs and benefits of the Project, including the costs and benefits to other affected political subdivisions, the economy of the City of Lexington, and the demand for public and private services are in the long-term best interest of the City of Lexington; and

WHEREAS, pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the City Council desires to approve the Amendment and the Cost-Benefit Analysis.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lexington, Nebraska, does hereby approve and adopt the Amendment and the Cost-Benefit Analysis.

DATED THIS 23rd day of May, 2017.

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 2017-2018. Following discussion, moved by Roberts, seconded by Smith, to approve a waiver of the PILOT agreement as requested. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

APPOINTMENTS: Peplitsch presented Resolution No. 2017-17 appointing members to the Railroad Transportation Safety District of Dawson County. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2017-17. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2017-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPOINTING MEMBERS TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT OF DAWSON COUNTY, NEBRASKA.

WHEREAS, the Railroad Transportation Safety District of Dawson County, Nebraska (RTSD) was duly created by resolutions of Dawson County, Nebraska and the City of Lexington, Nebraska; and

WHEREAS, the Board of Directors of the RTSD is comprised of three (3) members of the Board of Commissioners of Dawson County and three (3) members of the City Council of the City of Lexington appointed by resolution of each governing body.

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

Section 1. The following members of the City Council of the City of Lexington are hereby designated to serve on Board of Directors of the RTSD:

John Salem
Jeremy Roberts
John Fagot

Section 2. This resolution shall be in force and effect from and after its adoption as provided by law.

PASSED AND APPROVED this 23rd day of May, 2017.

CODE UPDATES: Brecks presented Resolution No. 2017-18 adopting updated building codes. Following discussion, moved by Smith, seconded by Salem, to adopt Resolution No. 2017-18. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

RESOLUTION NO. 2017-18

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA ADOPTING THE 2015 EDITIONS OF BUILDING CODES WITH CERTAIN EXCEPTIONS

WHEREAS, Lexington City Code authorizes the City Council to approve by Resolution subsequent editions of building codes;

WHEREAS, the Lexington City Council desires to adopt subsequent editions of building codes subject to the limitations hereafter set forth.

BE IT THEREFORE RESOLVED BY THE PRESIDENT OF THE CITY COUNCIL AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA

Section 1. That the 2015 Edition of the International Building Code, the 2015 Edition of the International Residential Code, 2015 Edition International Existing Building Code, 2015 International Fuel Gas Code, 2015 International Mechanical Code and 2015 International Plumbing Code are hereby adopted and shall replace the previous editions.

Section 2. Section R313 and Section R309.5 of the newly adopted 2015 International Residential Code are hereby deleted in their entirety.

Section 3. That the building codes herein adopted shall take effect upon the adoption of this Resolution and the filing of one copy with the City Clerk.

PASSED AND APPROVED this 23rd day of May, 2017

PAY REQUEST: Peplitsch reviewed Pay Request #1 from Paulsen Inc. for the Optimist Complex Parking Lot Paving project in the amount of \$108,549.85. Following an update of the project, moved by Salem, seconded by Roberts, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

CONTRACT: Peplitsch reviewed an operating agreement with West Central Area Agency on Aging for the Meals Program for FY 2017-2018. Following discussion, moved by Salem, seconded by Smith, to approve the operating contract as presented and to authorize execution. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

ALCOHOL SALES: Mayor Fagot reviewed a request to extend the sale of alcohol until 2:00 am to coincide with the dates of the Plum Creek Rodeo and Alumni Weekend. It was noted this is an annual request and there have been no reported problems in the past. Following discussion, moved by Smith, seconded by Vivas to approve the extension of alcohol sales until 2:00 am on June 10, 11, 17, and 18, 2017. Roll call. Voting “aye” were Roberts, Salem, Vivas, Smith, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update of current projects, and noted budget work will begin soon. He also stated that a special meeting may be needed prior to June 2nd to convey housing lots to the CDA.

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