

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

A Regular Meeting of the Lexington City Council was held Tuesday, November 27, 2018, 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. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Community Development Director Bill Brecks, Finance Director Barb Hodges and City Clerk Pamela Baruth. The press was represented by Clipper-Herald, KRVN, and Tri-City Tribune.

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 11-13-18: Minutes of the Regular meeting held Tuesday, November 13, 2018, were presented. Moved by Roberts, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,123,446.33 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$161,288.75 from General Fund, \$28,787.9 from Street Fund, \$169,019.06 from TIF, \$1,705,176.71 from LEXUS, \$31,356.39 from Sanitation, \$2,708.79 from Ambulance, \$20,950.95 from Health Fund, and \$4,157.78 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
November 27, 2018**

Acromat	LB / Janitorial Supplies	18.24
Awards Plus - Grand Island	PD / Uniforms	16.00
Baker & Taylor	LB / Books	683.38
Baker, Michael	PD / Training Fuel / Meals	89.67
Bercerra, Manuel	EL / Rebate	1,500.00
Bob's True Value	ST / Hardware	14.71
Business Card		
Casey's	PD / Fuel	130.96
Delight Donuts	WR / Employee Recognition	89.50
DiscountMugs.Com	FD / Medical Supplies	536.00
InfoDynamics	Software Upgrade	405.00
Walmart	City Hall / Office Supplies	216.94
BOK Financial	WWTP /Support Facility/Dewatering Proj	226,532.50
Cash-Wa Distributing	MOW / Food / Supplies	770.22
Chesterman Coca-Cola	GGC / PK / Beverages	380.80
Chief Supply	PD / Name Plates	46.66
Community Development Agency	Ford&Ford/Chief Ind A & B/Orthman Bond	155,619.06
Consolidated Management Co	PD / Academy Meals	59.21
Country Partners Coop	Cemetery / Fertilizer	600.00

Davis Energy	Fuel	2,103.13
Eakes Office Solutions	EL / LB / Copier Repairs / Supplies	584.85
Energy Pioneer Solutions	EPS Payments	924.96
Electrical Engineering & Equipment	PK / Tubing / Sealant	72.64
EMS Billing Services	Ambulance / Billing	1,469.37
Fagot Refrigeration & Electrical	OC / Air Unit Repair	95.00
Fairfield Inn	PD / Training Lodging	209.90
Fyr-Tek	FD / Fire Extinguishing Agent	870.00
Galls	PD / Uniform	102.98
Grainger	PK/WWTP/Snowblower Actuator/Valve	2,245.35
Hach Co	WWTP / Testing Supplies	158.82
Health Claims	Claims	12,275.41
Heiman Fire Equipment	FD / Batteries	431.50
Hiland Dairy Foods	MOW / Dairy Products	200.25
Holbein, Dahlas	Vehicle Maintenance	1,500.00
Holmes Plbg & Htg Supply	WR / Pipe Wrenches	46.81
Husker Illustrated	LB / Periodical	60.70
IGS Solar	EL / Power Purchase	26,527.67
Ingram Library Services	LB / Books	120.25
Intellicom	City Hall/PK/Computer Services/Licenses	1165.12
Johnny on the Spot	Cemetery / PK / Rentals	325.00
Johnstone Supply	City Hall / OP / HVAC Filters	660.12
Kearney Crete & Block	SW / NW 5th Pond Culvert	3,900.07
Komline-Sanderson	WWTP / Sludge Pumps	1,576.97
Lexington City Payroll Account		
Payroll	Wages	148,093.58
Social Security	Employer Portion / FICA Med	10,682.34
Union Bank & Trust	Employer Portion / Pension	4,638.96
Union Bank & Trust	Police Pension	3,042.59
ICMA	City Manager Pension	881.89
Lexington Newspapers	Publications	414.30
Lexus	Utilities	43,624.66
Louthan & Wilson PC	Professional Fees	1,200.00
Lien Inc	City Hall / OC / PK / Landscape / Winterize	14,037.50
Linden's Plumbing	LB / Restroom Repair	65.00
Mead Lumber	DV SRV / PK/ ST/ Hardware/ Paint/ Tools	700.39
Mejia, Alberto	EL / Rebate	1,125.00
Micro-Marketing	LB / Books	4,398.39
Mid-America Research Chemical Corp	ST / Janitorial Supplies	258.28
Miller & Associates	Professional Fees	1,137.50
Municipal Code Corporation	Annual Web Hosting Fee	950.00
National Patent Analytical Systems Inc	PD / Software Repair	351.93
Nebraska Dept of Environmental Quality	WWTP Loan Payment	155,217.35
Nebraska Public Health Environmental Lab	WR / Water Testing	647.00
Nebraska Public Power District	Power Purchase	979,747.76
Nebraska Public Power District	O & M	153,514.54
Nebraska Total Care	Ambulance / Refund	220.36
Nebraskaland Tire	ST / Tires / Repair	285.12
O'Reilly Auto Parts	ST / Antifreeze	50.97
Paulsen Inc	PK / Sonotubes	180.00
Plum Creek Medical Group	Flu Shots	3,395.00
S & W Auto Parts	PK / Crimping Tool	22.43
Salem, John	Conference Meals / Hotels / Transportation	1,779.25
Service Master	City Hall / GGC / LB / Janitorial Services	5,115.30
Silverstone Group	Pension Actuarial Study	2,400.00
Spectrum	Cable Service	23.57
Statewide Collections	Utility Collections	271.05

Storey Kenworthy/Matt Parrott	EL / Disconnect Notices / Tax Forms	1,326.57
TO Haas Tire Co	ST / Grader Tire Repair	78.70
Torres, Jose	PD / Training Mileage	196.20
US Foods	MOW / Food & Supplies	376.46
V V S Surveillance Systems	PK / Door Lock Repair	233.25
Village Uniform	GGC / Janitorial Supplies	74.59
Vivas, Doras	Conference Meals / Hotels / Transportation	2,008.48
Walmart	City Hall / Street / Office / Meeting Supplies	1,587.98
Alpha Park Public Library District	LB / Interlibrary Loan	5.00
Amazon	LB / Books	897.58
Business Card		
4Imprint	PK / Uniforms	448.13
Amazon.Com	Cemetery / Headstone Padding	96.29
BMI	WR / Backflow Tracking Program	1,030.00
Builder's Warehouse Inc	ST / Molding / Chair Rail	371.37
Cabela's	WR / Hip Waders	445.05
Harbor Freight Tools	ST / Furniture Dollies	60.73
Nebraska Recreation & Park Association	PK / Membership	60.00
SurveyMonkey.Com	WR / Annual Water Survey Charges	408.00
USPS	WR / Postage	230.40
Cash-Wa Distributing	MOW / Food / Supplies	1,030.74
Consolidated Management Co	PD / Academy Meals	88.87
Dan's Sanitation	Sanitation Fees	31,356.39
Davis Energy	Fuel	642.37
Dawson County Clerk	City Council Election Fees	302.55
Eakes Office Solutions	EL / PD / Copier Expenses	1,738.44
Eustis Body Shop	ST / Body Repair	411.96
Fastenal	ST / WWTP / Hardware / Saw Blades	58.94
Gale/Cengage Learning	LB / Books	70.50
Galls	PD / Uniforms	71.93
Great Western Bank-City Petty Cash	DV SRV / PD / Field Supplies / Postage	21.65
Health Claims	Claims	5,205.54
Hiland Dairy	MOW / Dairy Products	164.99
Lexington, City of	Franchise Fees	82,340.11
Lexington Newspaper	Publications	220.03
Mead Lumber	ST / Shade / Wall Plate	14.88
Menards	ST / Cabinets / Stain	795.63
Nebraska Law Enforcement Training Center	PD / Certificate Activation Fee	50.00
Orthman Community YMCA	Memberships	1,096.00
Paulsen Inc	PK / Sand / Gravel	782.00
Platte Valley Glass & Trailers	PK / Field House / Garage Door Window	209.75
Police Chief Association of Nebraska	PD / Membership	50.00
Tyler Technologies	Utility Billing Annual Fee	2,056.00
US Foods	MOW / Food	326.28
Verizon Wireless	Cell Phone Service	397.16
Walmart	City Hall / LB / ST / Supplies	126.11
WPCI	Yearly Policy Assurance	75.00
	TOTAL CLAIMS:	2,123,446.33

FINANCIAL REPORT: Moved by Salem, seconded by Vivas, to accept the financial report for October 2018 as presented. Roll call. Voting "aye" were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

SUBDIVISION: Mayor Fagot opened a public hearing to consider the proposed Sund Subdivision. Brecks reviewed the plat and noted that corrections will need to be made include signature blocks added. He noted the Planning Commission recommended approval. Deb Sund, applicant, noted that they are working with the sellers to complete the sale and conveyance of property. There were no other public comments. The public hearing

was closed. Resolution No. 2018-12 was presented. Moved by Smith, seconded by Roberts, to approve Resolution No. 2018-12 with noted corrections to be made to the final plat. Roll call. Voting "aye" were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION NO. 2018 - 12

SUND SUBDIVISION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of SUND SUBDIVISION, being a part of the Southeast Quarter of Section 4, Township 9 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 27th day of November, 2018.

REZONE: Mayor Fagot opened a public hearing to consider an application to rezone the Sund Subdivision from A-1 Agricultural to M-1 Light Industrial. Brecks noted that a change in the zoning code complies with the generalized future land use, and the Planning Commission recommended approval. There were no public comments. The public hearing was closed. Ordinance No. 2413 entitled "AN ORDINANCE TO REZONE THE SUND SUBDIVISION, BEING PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DAWSON COUNTY, NEBRASKA FROM A-1 AGRICULTURAL TO M-1 LIGHT INDUSTRIAL; 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 Salem, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2413 was presented on final reading. Moved by Salem, seconded by Roberts, to adopt Ordinance No. 2413 on final reading. Roll call. Voting "aye" were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

CONDITIONAL USE PERMIT: Mayor Fagot opened a public hearing to consider an application for a conditional use permit for a storefront church to be located at 110 East 6th Street. Stacy Con, certified interpreter, was introduced to assist the applicant in the proceedings. Brecks referred to Section 6.08 of the Zoning Code regarding conditional use permits, noting a main issue being inadequate parking related to projected occupancy rate. He also reviewed a draft CUP agreement, highlighting the permit to be non-transferable and waiver of liquor license application protests. He noted the Planning Commission forwarded a "no recommendation" following their review. Joel Garcia Reyes, with assistance from Stacy Con, stated services are planned to be held Wednesday and Friday evenings, and Sunday mornings, times that are not currently busy in the downtown area. He stated there are approximately 10 members. Copley discussed parking options. Discussion also included limiting the number of occupants at one time in the building and plans for future growth of the church. The public hearing was closed. Moved by Smith, seconded by Roberts, to reopen the public hearing to allow Wendy Garcia to address the council. Roll call. Voting "aye" were Vivas, Salem, Roberts, Smith, Fagot. Motion carried. The public hearing was reopened. Wendy Garcia stated they are planning to buy a place for the church in the future along with a bus that may assist their parishioners and the parking issue. The public hearing was closed. Moved by Smith, seconded by Roberts, to approve the conditional use permit for a storefront church to be located at 110 East 6th. Roll call. Voting "aye" were Roberts, Smith, Fagot. Voting "nay" were Vivas, Salem. Motion carries.

ELECTION CERTIFICATION: The 2018 general election results as certified by the Dawson County Clerk were presented. Moved by Roberts, seconded by Vivas, to accept and acknowledge the results from November 6, 2018, general election as certified. Roll call. Voting "aye" were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch reminded Council and Staff of the work session scheduled for Saturday, December 1, 2018, at 8:00 a.m., and the council organizational meeting scheduled for Tuesday, December 4, 2018, at 12:00 Noon.

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