

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

A Regular Meeting of the Lexington City Council was held Tuesday, November 26, 2019, 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, Steve Smith and Jeremy Roberts. Dora Vivas was excused. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, 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 11-12-19: Minutes of the Regular meeting held Tuesday, November 12, 2019, were presented. Moved by Salem, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,335,664.81 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 \$218,660.93 from General Fund, \$57,036.87 from Street Fund, \$5,150.00 from TIF, \$2,700.00 from Housing Reuse, \$987,496.26 from LEXUS, \$31,728.42 from Sanitation, \$1,238.26 from Ambulance, \$27,563.22 from Health Fund, and \$4,090.85 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Roberts, Salem, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
November 26, 2019**

Amazon	LB / Books	955.45
Bauer Built Tires	WWTP / Tire Repairs	127.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
BOK Financial	2017 COP- WWTP Dewatering Project	225,000.00
Capstone	LB / Books	2,639.13
Cash-Wa Distributing	MOW / Food & Supplies	1,827.56
Cengage Learning	LB / Books	270.86
Central Community College	AMB / Training Class	45.50
Central Plains Library System	LB / Workshop Fees	20.00
Chesterman Coca-Cola	REC / Beverages	237.60
Community Development Agency	Ford & Ford	5,150.00
Consolidated Management	PD / Training Meals	47.14
Core & Main	EL / WR / Meters	820.63
Country Extra	LB / 1 Year Subscription	14.98

Demco	LB / Supplies	119.08
Downey Drilling Inc	OC / Maintenance	827.40
Eakes Office Solutions	LB / Supplies	108.73
Fastenal	ST / WWTP / Parts / Supplies	32.27
Fix It Center	GGC / Parts	120.15
Health Claims	Claims	14,130.05
Hiland Dairy Foods	MOW / Dairy Products	411.43
Holbein, Dahlas D	AMB / FD / Truck Maintenance	1,500.00
Hunt Cleaners Inc	ST / Leather Gloves	129.60
IGS Solar	Solar Power Purchase	31,783.70
	Reimbursement for Capacity Tax	13,741.39
Ingram Library Services	LB / Books	291.93
J & A Traffic Products	ST / Barricade Tape	390.00
JEO Consulting	PK / Professional Fees	10,088.00
Johnny On the Spot	CEM / PK / Portable Rentals	375.00
Kearney Hub	LB / 1 Year Subscription	340.95
Krueger Contraction Inc	WWTP / Manway Replacement	23,000.00
League of Nebraska Municipalities	CM / NCMA Membership	100.00
Lexington Family Eyecare	WR / Safety Glasses	415.00
Lexington, City Payroll Account		
Payroll	Wages	150,393.11
Social Security	Employer Portion / FICA Med	10,863.66
Union Bank & Trust	Employer Portion / Pension	4,702.19
Union Bank & Trust	Police Pension	3,113.19
ICMA	City Manager Pension	940.29
Lexington Newspapers	Publications	48.67
	LB / ND / 1 Year Subscriptions	161.90
LEXUS	Utilities	38,606.36
Martin Electric	WWTP / Lighting	55.90
Matt Friend Truck Equipment	ST / Truck Parts	9,760.91
McCall's Quick Quilts	LB / 1 Year Subscription	22.00
McCall's Quilting	LB / 1 Year Subscription	20.00
Meritain Health	Health Premium	31,700.98
MicroMarketing	LB / Books	1,598.74
Miller & Associates	ND/Pro Fees/OOR Grant Admin	4,750.10
Morris Press	GGC / Newsletter	238.51
Municipal Code Corporation	DS / Online Hosting	950.00
National League of Cities	CM / Member Dues	1,533.67
NE Dept of Environmental Quality	WWTP Loan Payment	154,131.21
Nebraska Law Enforcement	PD / Training / Certificate Activation	102.00
Nebraska Life	LB / 1 Year Subscription	24.00
Nebraska Machine	ST / Equipment Repairs	840.05
Nebraska Public Power District	O & M	298,765.32
OCLC	LB / Cataloging / Wordshare	146.86
Oliver Consulting	LB / Tech Support / Cloud Backup	245.00
Omaha World Herald	LB / 1 Year Subscription	512.55
O'Reilly Auto Parts	ST / Parts	32.97
Oriental Trading	LB / Promotional Supplies	10.38
Orthman YMCA	Memberships	1,292.00
Paulsen Inc	WWTP / Concrete Work	58,644.51
Platte Valley Auto Mart	PD / Repairs / Oil & Lube	331.78

Police Officers' Association of NE	PD / Memberships	330.00
Principal	Premiums	3,577.32
Renderos, Joe	PD / Mileage / Training	164.72
Service Master	Cleaning Service	763.00
Sports Illustrated	LB / 1 Year Subscription	54.00
Standard Life Insurance	Premiums	1,004.77
Stryker	AMB / Defibrillator Upgrade	723.00
Subway	CC / CARS Meeting Meal	40.37
US Foods	MOW / Food	1,211.38
VSP	Premiums	1,050.69
Walmart	Department Supplies	321.44
Axon Enterprise	PD / Contract	2,640.00
American Public Works Association	WR / Membership	350.00
Bank of America		
Amazon.com	EL / WR / Office Supplies / Gloves	207.92
Carhartt	ST / Employee Sweatshirts	1,280.07
Facebook	REC / Activity Promotion	50.00
Glock Inc	PD / Parts	20.00
Goodwill	REC / Activity Supplies	25.61
Nebraska Water Environment Assn	WR / Conference Registration	250.00
Sam's Club	ND / Breakroom Supplies	118.48
Survey Monkey	WR / 1 Year Subscription	408.00
United States Postal Service	WR / Postage / Testing	207.15
Walmart.com	CM / Office Supplies	58.84
Blue to Gold LLC	PD / Training	254.00
Cash-Wa Distributing	OC / Supplies	101.01
Chesterman Coca-Cola	REC / Beverages	216.00
Consolidated Management	PD / Training Meals	55.88
Core & Main	EL / WR / Meters / Fire Hydrant Parts	4,497.31
Dan's Sanitation	Sanitation Service	31,728.42
Davis Energy	Fuel / Grease / Oil	3,637.22
Eakes Office Solutions	LB / Supplies / Maintenance	946.71
Environmental Products & Accessories	SW / Tools	116.45
Fagot Refrigeration & Electric	SW / Repairs / Patriot Lift Station	386.17
GT Distributors	PD / Equipment	85.50
Health Claims	Claims	13,433.17
Holmes Plumbing & Heating Supply	WR / ST / Tools / Parts	174.33
Hydro Optimization & Automation Solutions	FD / Programming	975.00
Latter Repair & Irrigation	CEM / Parts	601.09
Lexington, City of	Franchise/Interdepartmental Svc Fees	85,148.21
Lexington Health Fund	Self-Funding	43,647.49
Lexington Newspapers Inc	Publications	200.00
Lexington Volunteer Fire Department	FD / Expenses / Fire Convention	293.90
Marlatt Machine & Welding	AC / Repairs	1,319.43
Mead Lumber	PK / WR / Parts / Supplies	337.42
Micromarketing	LB / Books	1,026.14
Mid-West Plastering & Construction	ST / Stucco Application	4,500.00
Nebraska Environmental Lab	WR / Testing	788.00
Nebraskaland Tire	WR / Oil & Lube	51.97
Oliver Consulting	LB / Cloud Backup	60.00
O'Neill Wood Resources	ST / Wood Grinding	6,400.00

O'Reilly Auto Parts	ST / Parts	25.23
Paulsen, Inc	ST / WR / WWTP / Limestone / Gravel	2,898.58
Plum Creek Promotions	ST / Shirts	288.00
S & W Auto Parts	PK / ST / Parts	65.46
Sign Pro	PD / Lettering & Graphics	160.00
T & R Service Company	EL / Transformer Disposal	2,110.00
Titan Machinery	ST / Tractor Blade	950.00
TO Haas Tire Co	CEM / Tire Repair	19.74
Tyler Technologies	EL / INCODE Annual Fee	2,056.00
Verizon Wireless	Cellular Service	399.04
Village Uniform	GGC / Supplies	55.84
	TOTAL CLAIMS:	1,335,664.81

FINANCIAL REPORT: Moved by Roberts, seconded by Salem, to accept the financial report for October 2019. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing at 5:31 p.m. to receive input on the progress of the Owner-Occupied Rehabilitation grant for which the City of Lexington received monies. Burnside reviewed a breakdown of CDBG and matching funds, totaling \$296,057.85, that were used to rehab 10 local homes during the project. There were no public comments, and the public hearing was closed at 5:33 p.m.

POWER PURCHASE AGREEMENT: Peplitsch reviewed a power purchase agreement with Sol CES Projects LLC. He stated the developer has procured a land lease from the Lexington Airport Authority to construct a 1 MW facility and the city would purchase solar energy over a 25-year period at a fixed cost. Following discussion, moved by Roberts, seconded by Salem, to approve the power purchase agreement with Sol CES Projects LLC as presented and to authorize the city manager to execute necessary documents. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider an amendment to Section 5.13.03 of the Lexington Zoning Code, adding communication towers as a conditional use. Peplitsch reviewed the issue and indicated the Planning Commission recommended approval at their recent meeting. There were no public comments, and the public hearing was closed. Ordinance No. 2423 entitled “AN ORDINANCE TO AMEND SECTION 5.13.03 OF THE ZONING ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA; TO REPEAL ORIGINAL SECTION 5.13.03, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Moved by Roberts, seconded by Smith, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

Ordinance No. 2423 was presented on final reading. Moved by Roberts, seconded by Smith, to approve Ordinance No. 2423 on final reading. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

PUBLIC HEARING: Fagot opened a public hearing to receive comments from Citizens Advisory Review Committee on the Lexington Economic Development Programs. As directed by the Committee, Peplitsch reported on activities and fund balances, noting the Committee had no comments or findings on the operation of the program. Following discussion, the public hearing was

closed. Moved by Smith, seconded by Roberts, to accept the CARC report as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

AGREEMENT: Peplitsch reviewed an agreement with NDOT for Project No. STP-21-2(118) Control No. 61647, Lexington North. Peplitsch indicated that lane widening and turning lane improvement at the intersection of Highway 21 and 20th Street will be included in a NDOT resurfacing project along Hwy 21 at a lump sum cost of \$40,000 to the city. Resolution No. 2019-18 was presented. Following discussion, moved by Salem, seconded by Smith, to approve Resolution No. 2019-18. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

RESOLUTION NO. 2019 – 18

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ON A PORTION OF US HIGHWAY 21 WITHIN CITY CORPORATE LIMITS

WHEREAS, THE State of Nebraska desires to make improvements on a portion of Highway 21 within the Corporate Limits of Lexington under a highway improvement project denoted as Project No. STP-21-2(118) Lexington North; and

WHEREAS, this highway improvement project will also improve Municipal infrastructure at various locations within the project limits as shown in the agreement, and

WHEREAS, the improvements to be completed within the municipal boundaries are adequately described in the agreement, and

WHEREAS, the Municipality’s responsibilities under this agreement are adequately described in the agreement and are understood by municipality, and

WHEREAS, the city of Lexington concurs to enter into this agreement with the State of Nebraska, Department of Transportation, for said improvement.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Lexington, Nebraska the Mayor is authorized by this City Council to execute this agreement with the State of Nebraska, Department of Transportation for Project No. STP-21-2(118), Lexington North.

Introduced and approved this 26th day of November, 2019.

ROUNDTABLE DISCUSSION: Copley noted work is being completed on ordinance to update sections of the city code. Roberts suggested discussing interest rates on Economic Development program loans at a future meeting.

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