

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 27, 2014, at the Lexington City Hall, located at 406 E. 7<sup>th</sup> 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 Will Weinhold, Development Services Manager Bill Brecks, and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald, KRVN Radio and Kearney Hub.

**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, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 5-13-2014** Minutes of the Regular meeting held Tuesday, May 13, 2014, were presented for Council consideration. Moved by Salem, seconded by Vivas, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$531,319.52 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 \$71,684.04 from the General Fund, \$9,826.59 from Street Fund, \$153,155.97 from TIF, \$251,327.80 from LEXUS, \$29,642.92 from Sanitation, \$428.64 from Ambulance, \$9,312.49 from Health Fund, and \$5,941.07 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 27, 2014

AFLAC	Premium	1,324.42
Allfasteners Midwest LLC	WR Supplies	86.10
Anderson Graphics	Library Service	76.25
Anytime Fitness	Wellness	192.60
Associated Supply Company Inc.	LFAC Supplies	201.65
Awards Plus	Police Plaque	114.00
Axis Capital Inc.	Mail Machine Payment	840.00
Baker & Taylor	Library Books	829.20
Beinke, Cristina	UTL Refund	35.28
Bob’s Auto Repair & Service	WR Vehicle Repair	174.86
BSN Sports, Inc.	Pitchers Plates	178.91
Business Card		
Microsoftstore.com	GGC Software	117.69

Pay Pal	Police Rifle Case / Slings / Adapter	231.40
Krames Staywell	Lifeguarding Manuals	379.37
Post Office	WR Sample Postage	96.50
Sprinklerwarehouse.com	PK / Cem Sprinkler Parts	380.60
Wilke's Tru Value	Grass Trimmer Line	267.16
Industrial Pipe and Supply	Biogas Valve / Line	213.55
Professional Membership	WWTP Membership Dues	101.00
Nebraska WEA	WWTP Membership Dues	8.00
Intelius.com	Police Supplies	19.95
Card Center/Orscheln	WR / ST / PK / Cem / WWTP Supplies	1,165.16
Cash-Wa Distributing	Food & Supplies	6,176.18
Center Point Large Print	Library Books	86.28
CocaCola/Dr Pepper Bottling Krny	Beverages	1,418.05
Community Development Agency	Ford&Ford/Lex Investors/CEL TIF Pmts	130,304.21
Copper, Michael	Yard Clean-up	200.00
Dan's Sanitation, Inc.	Sanitation Fees	398.48
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Propane / Fuel / Service Call	9,765.63
Dugan Business Forms	Email Billing Format	53.50
Dutton-Lainson Company	ST Light Poles / Lamps / Globes	33,298.80
Eakes Office Plus	Library Supplies	202.16
Electric Engineering&Equipment	EL Supplies	165.93
Energy Pioneer Solutions	EPS Payments	3,393.17
Fagot Refrigeration & Electric Inc	LFAC Equipment Repair	431.82
Family Advocacy Network	Police Subscription	1,000.00
Fastenal	LFAC Supplies	246.19
FireExtricationHazmat Billing	Fire Equipment Billing Fees	50.00
Gale/Cengage Learning	Library Books	163.73
Great Western Bank-Lib Petty Cash	Postage / Stamps / Supplies / Food	212.38
Hach Company	WWTP Testing Supplies	555.27
HD Supply Waterworks	WR Meter Supplies	111.93
Health Claims Fund	Claims	7,988.07
Hernandez, Marvin	1/2 of Boots	31.02
Hiland Dairy Foods	Beverages / Food	1,140.92
HOA Solutions, Inc.	Well 17 VFD Installation/Start-up	13,829.79
Hoehner Turf	PK Sprinkler Supplies	315.30
Holbein, Dahlas	Fire Dept Maint / Cleaning Service	1,000.00
Ingram Library Services	Library Books	84.63
Intellicom Computer Consulting	GGC Service	255.00
International Code Council, Inc.	Membership Dues	125.00
Jewett, Connie	Food	125.00
Larry's Glass	Library Door Repair	141.75
LaserTec of Nebraska, Inc.	Postage Machine Repair	189.92
Lex Area Solid Waste Agency	Landfill	995.64
Lexington Glass Company, Inc.	Library / Hitting Complex Doors Repaired	100.00
Lexington Newspapers, Inc.	Publications	2,320.13
Lexington Recreation Program	Support Personnel	1,250.00
Lexington Regional Health Center	Wellness / Laundry	289.00
Lex Rural Fire Protection District	Bldg Pmt	25,634.55
Linda's Stitches and Creations	Police Shirts	482.35
Mast's Fire Extinguisher Svc LLC	Fire Dept Service	44.48
Mead Lumber & Rental	WWTP / ST / Cem / Dev Serv Supplies	96.05
Micromarketing LLC	Library Books	226.74
Mid-State Units	Rentals	900.00
Midwest Striping, Inc.	ST Paint	6,239.00
Miller & Associates	Well 12 Relining PJ	328.90
Municipal Automation & Control	Digester Gas Pressure Sensor/Alarm System	6,225.00

Municipal Supply	SW Supplies	293.76
National Council on Aging	Membership Dues	145.00
Nebraska Library Association	Registration Fee	15.00
Nebraska Public Power District	O & M	93,145.02
Nebraska Public Power District	Large Capital PJ's	18,443.22
Nieto, Kristen	Pool Operator Clinic	40.00
OCLC, Inc.	Library Subscription	115.07
Paulsen, Inc.	White Rock / Concrete	6,653.24
Perez, Gerardo	LFAC Clean-up	3,015.00
Platte Valley Comm. of Kearney	SCADA / Radio Repairs / Mo Maint	554.76
Plum Creek Cleaners	Rug Service	345.00
Pumpkin Books	Library Books	119.36
Reutlinger, Roger	Pool Operator Clinic	80.00
Ryde Transit	Transportation	18.00
S and D Contractors	Yard Clean-up	100.00
Security First Bank	Wilkinson Dev Pmt	22,851.76
Service Master of Mid NE	Cleaning Service	4,819.75
Sign Pro	Rec Complex / Fire Dept Signs / Decals	114.00
Spirituality & Health	Library Subscription	19.95
Subway @ Walmart	Meals	42.50
Thompson Co., The	Food / Supplies	1,949.25
Thorell, Andrea	Pool Operator Clinic	40.00
Tomasek, Tara	Pool Operator Clinic	40.00
Unisan Nebraska LLC	LFAC / Rec Supplies	150.93
Verizon Wireless	Cellphone Service	363.11
Village Uniform	GGC Supplies	176.20
Wall Street Journal	Library Subscription	448.40
Wal-Mart	Supplies	1,282.20
Baker & Taylor	Library Book	14.39
Cash-Wa Distributing	Food & Supplies	2,750.50
Dan's Sanitation	Sanitation Fees	29,642.92
Great Western Bank-City Petty Cash	Fuel / Meal / Postage	80.38
Great Western Bank-Lib Petty Cash	Postage / Beverages	24.08
HD Supply Waterworks, LTD	WR Supplies	4,025.76
Ingram Library Services	Books	155.23
Lexington, City of	Franchise Fees	71,842.41
Lexington Newspapers, Inc.	Publications	8.99
Meridian Library	Library Registration	10.00
Taste of Home Books	Library Book	31.98
Wal-Mart	Supplies	226.80

TOTAL CLAIMS: 531,319.52

**FINANCIAL REPORT:** Moved by Vivas, seconded by Miller, to accept the financial report for April 2014 as presented. Roll call. Voting "aye" were Salem, Roberts, Miller, Vivas, Fagot. Motion carried.

**CITIZEN COMMENTS:** Dave Schroeder, KRVN News Director, introduced Tyler Cavalli as the newest member of the KRVN news team.

**ALCOHOL SALES:** Peplitsch reviewed a request to extend the sale of alcohol until 2:00 am on June 13 and 14, coinciding with the Plum Creek Rodeo, and June 20 and 21, coinciding with Alumni Events. Victor Diaz noted that Community Preventative Service Task Force recommends limited hours for on premise alcohol sales and noted their concerns related to extended time for alcohol consumption, lack of taxi service in the community, and late hours for designated drivers. Mayor Fagot related the bar owners reasoning for

requesting extended hours is the additional cost of entertainment during those weekends and noted that this is for special events only. Peplitsch noted that the hours have been extended for these weekends in past years and there have not been any reported issues. Following discussion, moved by Salem, seconded by Miller, to approve the extension of alcohol sales until 2:00 am on June 14, 15, 21, and 22, 2014. 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. Following discussion, moved by Miller, seconded by Roberts, to approve a waiver of the PILOT agreement for fiscal year 2014. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider a rezoning application by GJT LLC for property located at 1610 North Washington, from C-O Neighborhood Commercial to R-3 High Density Residential. Todd Booth, GJT LLC, reviewed his plans for 12 to 14 apartments to be constructed in the current building, using local contractors as much as possible with potential completion within 6 months. There being no further comments, the public hearing was closed. Ordinance No. 2347 entitled “AN ORDINANCE TO REZONE LOTS 10, 11, AND 12, BLOCK 2, LEXINGTON HEIGHTS ADDITION FROM C-O NEIGHBORHOOD COMMERCIAL 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 on first reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2347 on first reading. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 2014-17 was presented. Brad Slaughter, Ameritas, reviewed the proposed refinancing of the Series 2009 Combined Utilities Revenue Refunding Bonds at a 6.1% present value savings. He noted that a bank note payoff for the automated metering project will be included in the new bond. Following discussion, moved by Salem, seconded by Vivas, to approve Resolution No. 2014-17. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION 2014-17

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 July 1, 2014, after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, 2009 Series, of the City of Lexington, Nebraska, date of original issue - May 12, 2009, outstanding in the principal amount of Two Million Nine Hundred Ninety Thousand Dollars (\$2,990,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
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\$320,000	December 15, 2014	2.85%	529449 FH8
325,000	December 15, 2015	3.15	529449 FJ4
345,000	December 15, 2016	3.35	529449 FK1
310,000	December 15, 2017	3.55	529449 FL9
255,000	December 15, 2018	3.75	529449 FM7
260,000	December 15, 2019	3.95	529449 FN5
270,000	December 15, 2020	4.05	529449 FP0
280,000	December 15, 2021	4.20	529449 FQ8
295,000	December 15, 2022	4.35	529449 FR6
330,000	December 15, 2023	4.50	529449 FS4

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

The Refunded Bonds are subject to redemption at any time on or after May 12, 2014, 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 May 12, 2009, Combined Utilities Revenue and Refunding Bonds, 2002 Series, of the City, date of original issue – September 27, 2002; 2) refunding on May 12, 2009, Combined Utilities Revenue Bonds, 2003 Series, of the City, date of original issue – December 16, 2003; 3) making a deposit into the Debt Service Reserve Account with respect to the Series 2009 Bonds; and 4) paying the cost of issuance of the Series 2009 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.

**ORDINANCE:**

Ordinance No. 2348 entitled “AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE REFUNDING BONDS, 2014 SERIES, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF THREE MILLION FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$3,420,000) FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT AND REDEMPTION OF THE CITY’S OUTSTANDING COMBINED UTILITIES REVENUE REFUNDING BONDS, 2009 SERIES AND CERTAIN BANK INDEBTEDNESS; 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. Moved by Salem, seconded by Miller to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2348 was presented on Final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2348 on Final reading. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

**GRANT CONTRACT:** Peplitsch reviewed a contract with NDED under the Civic and Community Center Financing Fund, Assistance Award Contract No. 14-03-175. Following discussion, moved by Miller, seconded by Roberts, to approve the contract as presented and to authorize the mayor to execute required documents. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**CONTRACT:** Peplitsch reviewed an operating agreement with West Central Area Agency on Aging for the Meals Program for FY 2015. Following discussion, moved by Miller, seconded by Vivas, to approve the operating contract as presented and to authorize the execution of necessary documents. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update on the Optimist Recreation Complex Lighting project, noting that the project will be operational by the end of the week.

Burnside reminded Council and Staff of the Public Open House for the 6<sup>th</sup> and Grant/Taft Streets project scheduled for Thursday, May 29, 2014, in the Council Chambers, beginning at 5:30 p.m.

**ADJOURNMENT:** There being no further business to come before the Council, Mayor 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