

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 25, 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, Finance Director Barb Hodges, Police Chief Tracy Wolf and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald and KRVN Radio.

**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 11-10-2014:** Minutes of the Regular meeting held Monday, November 10, 2014, were presented for Council consideration. Moved Vivas, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

**MINUTES – WORK SESSION 11-22-2014:** Minutes of the Work Session held Saturday, November 22, 2014, were presented for Council consideration. Moved by Roberts, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$894,728.05 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$183,372.09 from the General Fund, \$72,419.61 from Street Fund, \$167,319.38 from TIF, \$403,264.48 from LEXUS, \$30,124.72 from Sanitation, \$1,557.16 from Ambulance, \$28,293.57 from Health Fund, and \$8,377.04 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
November 25, 2014

Abdo-Spotlight-Magic Wagon	Library Books	760.00
AFLAC	Premium	1,238.12
Alamar Uniforms	Police Uniform Expense	201.97
American Public Works Association	Membership Dues	300.00
American Water Works Association	Membership Dues	85.00
Anderson Graphics	Library Service	57.00
Avial, Francisco	EL Rebate	900.00
Axis Capital, Inc.	Postage Machine Buyout	8,401.00
Bader's Highway & Street	Tar for Streets	1,629.00
Bearport Publishing	Library Books	217.40
Card Center/Orscheln	Pol/ST/WWTP/FD/PK/Dev Svc Supplies	848.16
Cash-Wa Distributing	Food & Supplies	2,231.46
Center Point Large Print	Library Books	86.28
Central Tire & Tread	WR Vehicle Tires	243.62

Community Development Agency	Cornhusker Energy / Ford & Ford Pmts	127,756.88
Consumer Reports on Health	Library Subscription	24.00
Copper, Michael	Yard Clean-up	100.00
Dan's Sanitation, Inc.	Landfill	1,914.36
Davis Energy, Inc.	Propane / Oil	135.50
Dawson Public Power District	Power Purchase	7,963.39
Dutton-Lainson Company	EL Meter Supplies	134.39
Eakes Office Plus	Library Supplies	42.28
EDM Publishers, Inc.	Development Services Subscription	99.49
Electrical Engineering & Equipment Co.	EL Supplies	65.72
Energy Pioneer Solutions	EPS Payments	3,045.32
Environmental Products & Access, LLC	SW Supplies	206.08
Fagot Refrigeration & Electric, Inc.	GGC/DCOC/Lift Station Service & Repair	215.85
Fairchild, David	Library Books	133.00
Fastenal	ST Supplies	9.99
Fed Ex	Delivery Charges	83.32
Frank's Auto Repair	ST Vehicle Repair	350.67
Gale/Cengage Learning	Library Books	49.48
Gnirk Lawn Care	Ground Sterilant at WWTP	1,047.75
Grainger	WWTP Supplies	156.40
Great Western Bank-Lib. Petty Cash	Postage / Stamps	216.62
Health Claims Fund	Claims	4,726.87
Hiland Dairy Foods	Beverages / Food	543.36
Ingram Library Services	Library Books	167.21
Intellicom Computer Consulting, Inc.	Monthly Billing / Computer Service	3,982.75
Johnson Automotive	ST Equipment Parts	450.35
Lexington Newspapers, Inc.	Publications	656.63
Lexington Rural Fire Protection District	Bldg Pmt	25,634.55
Lexington Utilities System	Utilities	37,125.90
Lien, Inc.	Bush/Sod Install/ Prep/Fert/Weed Killer	1,742.79
Lincoln Winwater Works Co.	WR Main Supplies	411.95
Mead Lumber & Rental-Lexington	PK / WWTP / ST Supplies	696.76
Miller & Associates	UTL Relocation	594.50
Money Handling Machines, Inc.	Service Agreement	395.00
MPH Industries, Inc.	Police Radar Equipment	206.25
Municipal Code Corporation	City Code Internet Fee	700.00
Musse, Ali M.	UTL Refund	34.17
NE Dept of Health & Human Services	Unused State Funds	2,004.09
Nebraska Department of Roads	6th ST, Grant - Taft	43,015.00
Nebraska Main Street Network, Inc.	Membership Dues	500.00
NE Public Health Environmental Lab	WR Testing	227.00
Nebraska Public Power District	October O & M	76,189.35
Nebraska Public Power District	Capital Projects	54,045.70
Nebraskaland Tire, Inc.	WR / ST Vehicles Serviced	77.15
Northern Lights Display, LLC	Holiday Pole Banners	2,109.00
OCLC, Inc.	Library Subscription	104.20
Oliver Consulting	Library Service / Repair	80.00
Overton Community Center	Meals on Wheels	100.00
Pinnacle Agency, The	WC Audit Premium	12,555.00
Plum Creek Medical Group	Flu Shots	2,326.00
Pumpkin Books	Library Books	113.85
Qualification Targets, Inc.	Police Dept Supplies	146.99
Richardson Mowing	Library Lawn Care	170.00
Roberto Franco & Carlos Barrera Constrn	Yard Clean-up	80.00
Ryde Transit	Transportation	16.00
S & W Auto Parts	ST Supplies	342.68
Security First Bank	Wilkinson Dev Pmt	22,851.76

Service Master of Mid Nebraska	Cleaning Service	4,821.00
Sirchie Fingerprint Laboratories	Police Drug Tests	108.78
Statewide Collections, LLC	Collection Fees	75.30
Storey Kenworthy/Matt Parrott	Business Office Supplies	43.25
Thompson Co., The	Food / Supplies	1,028.59
Tingelhoff, Sam	Trade Show Expense	46.48
Titan Access / Productivity Plus Account	ST Equipment Supplies	245.05
Unitech	ST Supplies	1,396.50
Village Uniform	GGC Supplies	65.99
Vision Internet Providers	Web Hosting Fee	243.10
Wal-Mart	Supplies	352.11
Wingate by Wyndham	Police Conference	161.90
American Water Works Association	Membership Dues	295.00
Baker & Taylor	Library Books	285.14
Blue Cross/Blue Shield of Nebraska	Ambulance Refund	316.13
Bonsack, Ray	1/2 of Boots	36.12
Business Card		
Ledequipment.com	Police Sirens	179.85
Charlie's	Meal at Conference	38.00
Embassy Suites	Lodging at Conference	422.80
Pump & Pantry	Fuel	47.28
Wheatfields Shadow Lake	Meal at Conference	25.00
Post Office	WR Sample Postage	85.48
Cash-Wa Distributing	Food & Supplies	1,955.30
Community Development Agency	Landscape/Comm Rd & Heartland Rd	16,710.74
Dan's Sanitation	Sanitation Fees	30,124.72
Dash Medical Gloves	Police Supplies	93.06
Davis Energy, Inc.	Fuel	6,126.45
Doran Post & Associates, Inc.	Surety Bond Renewal	40.00
Fagot Refrigeration and Electric, Inc.	Optimist PK Maint Bldg Heating Unit	2,700.10
FYR-TEK, Inc.	Ambulance Supplies	200.90
Great Western Bank-Lib Petty Cash	Postage / Stamps / Meal	63.66
Health Claims Fund	Claims	19,890.21
Hiland Dairy Foods	Food & Beverages	351.23
Holbein, Dahlas	Fire Dept Maint/Cleaning Service	1,000.00
Lexington, City of	Franchise Fees	70,284.13
Lexington City Payroll Account		
Payroll	Wages	131,068.00
Social Security	Employer Portion / FICA Med	9,727.91
Union Bank & Trust	Employer Portion / Pension	4,281.57
Union Bank & Trust	Police Pension	2,400.90
ICMA	City Manager Pension	841.84
Lien, Inc.	NW Unit / Repair Sprinklers	456.60
Madeline's Café & Bakery	Food/Gift Certificates	418.95
Mead Lumber & Rental-Lexington	PK Supplies	43.98
Miller & Associates	Misc Service for October	1,230.00
Mr. Automotive	Fire Dept Supplies	86.28
Nebraska Public Power District	Large Capital PJ's for September	7,219.06
Nebraska Public Power District	September O & M	112,822.57
Nebraska Secretary of State	Notary Bond Fee	30.00
Platte Valley Communication of Kearney	Maint/Radios/Radio-Scada-Control	Rprs/Installs/Battery 3,916.84
S & W Auto Parts	PK / ST / Police Supplies	187.84
Subway @ Walmart	Meals	48.69
TASC Client Invoices	Admin Fees	389.37
Tep's Bar & Grill	Gift Certificates	425.00
Thompson Company, The	Food	992.70

U-Save Business Equipment	ST/GGC/Dev Svcs/Muni Bldg Supplies	1,179.00
Verizon Wireless	Cellphone Service	377.45
Walmart	Supplies	341.04
YMCA of Lexington	Membership Dues	310.80
<b>TOTAL CLAIMS:</b>		<b>894,728.05</b>

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

**ELECTION RESULTS:** The 2014 general election results as certified by the Dawson County Clerk were reviewed. Moved by Miller, seconded by Roberts, to accept and acknowledge the results from November 4, 2014, general election as certified. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**INTERLOCAL AGREEMENT:** Pepplitsch reviewed an interlocal agreement with the Lexington School District regarding School Resource Officers. He noted that the agreement will be for 2 resource officers over a three year period, beginning January 1, 2015. Following discussion, moved by Salem, seconded by Vivas, to approve the agreement as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

**ENGINEERING AGREEMENT:** Pepplitsch reviewed an engineering agreement with Miller & Associates for CIS Project, CDBG 13-CIS-102. He discussed the fee schedule and scope of work for the design and construction services for the project. Following discussion, moved by Vivas, seconded by Miller to approve Engineering Agreement with M&A as presented. Roll call. Voting “aye” were Salem, Roberts, Miller, Vivas, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2014-37 was presented. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2014-37. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

#### **RESOLUTION NO. 2014-37**

##### **CITY OF LEXINGTON, NEBRASKA FOR A \$99,000 RURAL BUSINESS ENTERPRISE GRANT FROM RURAL DEVELOPMENT**

WHEREAS, the City of Lexington (hereinafter called Grantee) intends to apply for a Rural Business Enterprise Grant in the amount of \$99,000 from the United States of America, acting through Rural Development (“the agency”), United States Department of Agriculture, acting under the provisions of the Rural Business Enterprise Grant Program (7 C.F.R. Part 1942, Subpart G) for the purpose of renovating the Opportunity Center to attract small entrepreneurial start-up businesses to the Lexington, Nebraska area.

WHEREAS, as a condition to and in consideration of receiving financial assistance in the form of the Rural Business Enterprise Grant from the agency, this Resolution is being adopted.

THEREFORE, in consideration of the premises, Grantee agrees as follows:

- (1) The Grantee hereby applies for, approves and accepts a Rural Business Enterprise Grant in an amount not to exceed \$99,000 in accordance with the terms specified in the Application for Federal Assistance (Form SF 424) and the Letter of Conditions dated July 18, 2014, and the General Requirements for Administration of Rural Business Enterprise Grants (RD Instruction 1942, Subpart G) copies of which have been provided to us.

- (2) The Mayor and City Manager are hereby authorized and directed to apply for, approve, accept and take all actions necessary to obtain and complete the requirements of the Rural Business Enterprise Grant under the terms offered by the agency.

**The Resolution shall be in force and effect immediately, November 25, 2014.**

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to receive comments from Citizens Advisory Review Committee on the Lexington Economic Development Program. As directed by the Committee, Peplitsch reported on activities and fund balances, noting the Committee had no comments at the time. Following discussion, the public hearing was closed. Moved by Miller, seconded by Vivas, to accept the committee report as presented. Roll call. Voting "aye" were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2014-38 was presented. Peplitsch noted that NDOR is currently acquiring easements for the Adams Street Paving Improvement project which is set to bid early 2015. This resolution will authorize the conveyance of necessary easements by the city. Following discussion, moved by Miller, seconded by Roberts, to approve Resolution No. 2014-38. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**RESOLUTION NO. 2014-38**

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

The City of Lexington is a duly organized municipal corporation of the State of Nebraska, and that Joe Peplitsch, City Manager, is hereby authorized and directed for, and on behalf of the City of Lexington, to execute all necessary documents to convey temporary construction easements on municipal property to the State of Nebraska Department of Roads for highway purposes related to Project No. 21-2(111), Control Number 61514.

**PASSED AND APPROVED this 25th day of November, 2014.**

**ROUNDTABLE DISCUSSION:** Peplitsch noted a Council organizational meeting is scheduled for Tuesday, December 2, 2014, at 7:30 a.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