

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

A Regular Meeting of the Lexington City Council was held Tuesday, September 26, 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 Pepplitsch, 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 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 9-12-17: Minutes of the Regular meeting held Tuesday, September 12, 2017 were presented. Moved by Smith, seconded by Salem to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$608,021.42 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$149,769.68 from General Fund, \$54,964.31 from Street Fund, \$12,500.00 from Housing Reuse, \$333,817.77 from LEXUS, \$31,232.24 from Sanitation Fund, \$4,074.47 from Landfill, \$6,723.74 from Ambulance Fund, \$9,251.08 from Health Fund, and \$5,688.43 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

ACCOUNTS PAYABLE
September 26, 2017

Anytime Fitness	Memberships	62.90
Black Hills Energy	WWTP / Regulator Repair	392.67
Bob's True Value	AC / PK / Paint / Maintenance Supplies	301.89
Business Card:		
Creed Books	Ambulance / EMT Basic	233.05
Delight Donuts	Employee Recognition	81.32
Discount School Supply	LB / Grant Supplies	146.43
DoubleTree Hotel	Economic Development Conf Lodging	289.18
Economic Development	Conference Registration	640.00
FluxLight	EL / Sensus Connection Repair	392.21
Microsoft Office	Training	298.00

Raising Cane	PD / Training Meal	8.36
SkillPath	FMLA Training	398.00
USPS	WR / Postage	95.20
Varidesk	Desk / Chair Mat	455.00
Walmart	LB / Grant Supplies	208.90
Cash-Wa Distributing	MOW / Food / Supplies	1,547.33
Chesterman's	MOW / Beverages	30.00
Comfort Inn	PD / Training Lodging	248.85
Consolidated Management	PD / Academy Meals	258.48
Country Partners Coop	PK / Fertilizer	144.00
Davis Energy	FD / PK / ST / Fuel	4,052.58
Dawson County Register of Deeds	Filing Fees	86.00
Diamond Vogel Paint	ST / Paint	816.40
Dutton-Lainson	ST / LED Historic Lighting	10,500.55
Eakes Office Solutions	LB/ST/PD/WR/Copier Expense/Chair	2,374.70
Energy Pioneer Solutions	EPS Payments	2,075.40
Electrical Engineering & Equipment	AC / GGC / Light Fixtures / Bulbs	148.62
Eustis Body Shop	PD / Vehicle Repair	1,697.00
Fagot Refrigeration & Electric	City Hall Light Repair	210.20
Fastenal	ST/WR/WWTP/Paint/Safety/Hardware	221.44
Fire-Extrication-Hazmat	FD / Fire Equipment Fees	43.70
Fyr-Tek	Ambulance/FD/Pump Maint/Lights	2,018.50
Health Claims Fund	Claims	8,891.42
Hiland Dairy	MOW / Dairy Products	450.40
Holmes Plumbing & Heating	SW / Lift Station Pump	335.26
HTM Sales	SW / Lift Station	45,999.00
Intellicom	Software Connection	53.50
Jamie's Garage	ST / Vehicle Maintenance / Parts	293.34
Jim Phillips Construction	ST/WR/Salt Shed Floor/Main Repair	6,456.00
Johnson Service Co	SW / Clean / Vac Sewer Mains	1,175.00
Holbein, Dahlas	Truck Maintenance/Repairs	1,000.00
Lexington Newspapers	Publications	70.76
Lexus	Utilities	38,620.25
Mead Lumber	CM/PK/ST/WR/Plywood/Cement/Eng Rep	717.01
Mid-American Research Chemicals	ST / Janitorial Supplies	109.98
Miller & Associates	Professional Services	16,103.62
Municipal Automation & Control	WWTP / Repair Influent Power Supply	307.98
Municipal Code Corporation	DV SRV / Code Support Fee	350.00
NE Public Health & Environmental Lab	WR / Water Testing	679.00
Nebraska Public Power District	O & M	121,975.12
Nebraska Safety and Fire Equipment	PK / Fire Alarm Repair	90.00
Nebraskaland Tire	PK / ST / Maintenance	158.22
Nunez, Luis	PD / Police Academy Mileage	175.48
OCLC Inc	LB / Subscription	136.44
Oliver Consulting	LB / Backup Subscription	20.00
O'Reilly Auto Parts	ST / Battery	138.00
Orthman Community YMCA	Memberships	921.00
Platte Valley Roofing & Siding	FD / Siding Repair	1,672.00
Plum Creek Market Place	AC / Concessions	159.99
Raynor Garage Doors	Ambulance / Garage Door Repair	547.00

S & D Contractors	DV SRV / Lawn Care	350.00
S W Auto Parts	WR / Battery	110.16
Scholastic Library Publishing	LB / Books	152.10
Service Master	Janitorial Services	5,015.00
Siteone Landscaping	PK / Wire	99.85
Spectrum	Cable Service	23.56
TASC	Administration Fees	179.83
The Thompson Co	MOW / Food	833.81
Tnemec Co	AC / Paint	587.16
TO Haas Tire & Auto	PK / ST / Tire / Repair	257.40
Todd Wilson, P.C.	Professional Fees	1,200.00
Village Uniform	GGC / Janitorial Supplies	55.84
W Bar Fire Extinguishers	FD / Extinguishers Service	133.50
Walmart	DV SRV / LB / PK / ST / Supplies	563.32
Yung, Mark	DV SRV / Safety Boots	59.99
Awards Plus	PD / Uniforms	56.00
BSN Sports	PK / Soccer Balls	537.36
C & L Agri-Construction	OOB / Labor	12,500.00
Cash-Wa Distributing	MOW / Food / Supplies	833.64
Chesterman's	MOW / Beverages	50.00
Dan's Sanitation	Sanitation Fees	31,232.24
Davis Energy	Ambulance / FD / PK / ST / Fuel	4,102.82
Dawson County Surveyor	SW Third Addition Plat	600.00
Fastenal	ST / Jack Hammer Bits / Saw Blades	311.09
Grainger	WWTP / Tank Boots	65.25
Great Western Bank-City Petty Cash	PD/Postage/Uniform Alterations/Meals	63.98
Hiland Dairy	MOW / Dairy Products	230.33
Lexington City Payroll Account:		
Payroll	Wages	139,977.24
Social Security	Employer Portion / FICA Med	10,405.32
Union Bank & Trust	Employer Portion / Pension	4,414.39
Union Bank & Trust	Police Pension	2,877.18
ICMA	City Manager Pension	876.35
Lexington, City of	Franchise Fees	93,585.56
Lexington Newspaper	Publications	241.72
Lexington Postmaster	GGC / Postage	165.00
MicroMarketing	LB / Books	4,146.79
Milco Environmental Services	Landfill / Water Samples / Reports	4,074.17
Miller & Associates	ST / Professional Fees	723.10
Nebraska Machinery	ST / Loader Maintenance	1,013.55
Nebraskaland Tire	WR / Vehicle Maintenance	66.88
Route 30 Grafix	City Logo on Shirts	92.05
Service Master	GGC/ST/Restrooms/Floor Maintenance	688.75
SiteOne Landscape Supply	PK / Sprinkler Valves	78.98
Stryker Medical	Ambulance / Equipment Service	4,744.80
TASC	Administration Fees	179.83
The Thompson Co	MOW / Food	447.99
U-Save Business Equipment	City/DV SRV/EL/LB/Office Supplies	414.86
Verizon	Cell Phone Service	349.86
Walmart	PD/ST/WR/Office/Cleaning Supplies	170.19

TOTAL CLAIMS:

608,021.42

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

ORDINANCE: Ordinance No. 2382 entitled “AN ORDINANCE TO REZONE LOTS 7, 8, AND 9, BLOCK 4, STUCKEY & LITTLE’S ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-2 TWO-FAMILY 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 second reading. Pepplichtsch reported that work on structures at 211 West Cedar has been completed by Jose Gomez Aguirre and a Certificate of Occupancy will be issued. 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. 2382 was presented on final reading. Moved by Roberts, seconded by Smith, to approve Ordinance No. 2382 on final reading. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

SUBDIVISION APPLICATION: Mayor Fagot opened a public hearing for Council to consider a subdivision application for the proposed “Westminster Woods Third” subdivision, a replat of Lot 1, Block 2 of the Westminster Woods Second subdivision. The Application filed by Westminster Woods, as well as a proposed subdivision agreement, was introduced. Ron Hiatt, Westminster Woods LLC, requested approval of the subdivision application so a subsequent sale of the property may be completed. He gave a brief history of the area, including an unsuccessful hunting lodge venture and current rental of existing cabins on the property. Issues discussed by Mr. Hiatt and the City Council and City Officials included existing agricultural zoning of the property, the existing cabins being used for residential purpose, non-compliance with past code orders, base flood elevations for the property, and future plans to sell as residential development using apparent non-conforming structures. Bill Brecks presented additional testimony regarding the cabins located on the property and the changes necessary to meet the requirements of “single family dwelling” pursuant to the Lexington Zoning Ordinance. Luke Simpson, counsel for Westminster Woods LLC, recommended further discussion with city officials for a more complete plan for development of the area and requested the Council revisit the application at a later date. The public hearing was closed. Moved by Salem, seconded by Roberts, to deny the subdivision application for Westminster Woods Third as presented. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

REZONING APPLICATION: Mayor Fagot opened a public hearing the consider a rezoning application for Westminster Woods Third. Luke Simpson requested the rezoning application for Westminster Woods Third be withdrawn at this time as the subdivision application was denied. The public hearing was closed.

RESOLUTION: Pepplichtsch presented Resolution No. 2017-32 authorizing an application to the Land and Water Conservation Fund program for the Kirkpatrick Memorial Park Lake Improvement project. He noted the grant application requests funding assistance for ADA fishing piers and establishes matching city funds for the project. Moved by Smith, seconded by Salem, to approve Resolution No. 2017-32. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

RESOLUTION NO. 2017-32

**A RESOLUTION AUTHORIZING THE APPLICATION TO THE
LAND AND WATER CONSERVATION FUND PROGRAM FOR GRANT ASSISTANCE**

The City of Lexington, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of constructing four (4) ADA fishing piers at Kirkpatrick Memorial Park Lake.

The Mayor of the City of Lexington is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service. The City of Lexington, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Lexington, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Lexington, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Lexington, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Lexington, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Lexington, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Lexington at a duly advertised public meeting held this 26th day of September, 2017.

PAY REQUEST: Peplitsch reviewed Pay Request #4 from Paulsen Inc. for the Southwest First Addition project in the amount of \$49,275.00. Following a project update, moved by Roberts, seconded by Vivas, to approve Pay Request #3 to Paulsen Inc as presented. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

PAY REQUEST: Pepplitsch reviewed Pay Request #1 from Midlands Contracting for the Northwest 5th Addition Lift Station project in the amount of \$126,967.50. Following a project update, moved by Roberts, seconded by Smith, to approve Pay Request #1 to Midlands Contracting as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

ROUNDTABLE: Pepplitsch gave an update on various projects.

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.

City Clerk