

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

A Regular Meeting of the Lexington City Council was held Tuesday, August 22, 2017, at the Lexington City Hall, 406 E. 7<sup>th</sup> 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 KRVN and 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 8-8-17:** Minutes of the Regular meeting held Tuesday, August 8, 2017 were presented. Moved by Roberts, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Smith, Vivas, Roberts, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$813,095.16 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$194,275.75 from General Fund, \$75,683.80 from Street Fund, \$161,129.73 from TIF, \$317,406.21 from LEXUS, \$31,227.51 from Sanitation Fund, \$6,144.72 from Ambulance Fund, \$21,959.81 from Health Fund, and \$5,267.63 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
August 22, 2017**

Adamson, Tom	LB / Book	8.00
Aflac	Premiums	1,261.11
All Fasteners	ST / Hardware / Duct Tape	97.41
Baker & Taylor	LB / Books	2,336.76
Barco Municipal Products	ST / Street Signs	160.86
Bob's True Value	PK / ST / Paint / Trimmer String	188.32
BSN Sports	PK / Fence Poles	458.98
Burmood, Jo	LB / Wall Repair	50.00
Cash-Wa Distributing	GGC / PK / Concessions / Food Supply	1,993.39
Center Point Large Print	LB / Books	91.08
Certified Laboratories	ST / Sealant	176.99
Country Partners Coop	ST / Weed Control	285.17

Davis Energy	Ambulance/PK/ST/Fuel/Hydraulic Fluid	6,755.15
Dawson County Surveyor's Office	NW 6th Addition / Plat & Survey	1,000.00
Dawson Public Power District	Power Purchase	10,832.50
Eakes Office Solutions	LB / Office Supplies	41.88
Energy Pioneer Solutions	EPS Payments	1,483.59
Eilers Machine & Welding	PK / ST / Mower Repair / Steel	149.20
Electrical Engineering & Equipment	EL / OC / PK / Pole Caps / Light Bulbs	372.90
Fagot Refrigeration & Electric	AC / GGC / Oven / Heat Pump Repair	603.09
Gale/Cengage	LB / Books	405.85
GeoTech	WWTP / Confine Space Gas Kit	650.76
Gnirk Lawn Care	WWTP / Grounds Maintenance	1,518.30
Good Housekeeping	LB / Subscription	24.97
GPM	WWTP / Lab Tubing	127.00
Great Western Bank-LB Petty Cash	LB / Postage / Lunch Meeting	102.66
Hawkins	AC / Pool Chemicals	382.51
Health Claims Fund	Claims	20,698.70
Hiland Dairy	GGC / Dairy Products	422.25
Holbein, Dahlas	Truck Maintenance/Repairs	1,000.00
Holbein Lawn Service	DV SRV / Lawn Care	100.00
Intellicom	Upgrades/Domain/Computer Services	9,355.23
Jamie's Garage	ST / Starter	147.29
JDV Equipment	WWTP / Conveyor	52,455.00
Jim Phillips Construction	PK / ST / WR / Sidewalk / Curb Repair	18,671.00
John Deere Financial	CM / PK / ST / Equipment Repair	1,396.07
Johnny On The Spot	Cemetery / PK / Rentals	325.00
Jones Plumbing & Heating	LB / Drain Repair	178.00
K Lawn	PK / Fertilizer / Weed Control	117.51
Lexington Area Solid Waste	PK / Waste Removal	31.60
Lexington City Payroll Account:		
Payroll	Wages	163,546.62
Social Security	Employer Portion / FICA Med	12,213.93
Union Bank & Trust	Employer Portion / Pension	4,524.37
Union Bank & Trust	Police Pension	2,802.40
ICMA	City Manager Pension	870.93
Lexington Grand Generation Center	GGC / Washing Machine Repair	278.85
Lexington Newspapers	Publications	740.30
Lexus	Utilities	34,670.74
Martin Electric	FD / WWTP / Light / Fittings	56.78
Mead Lumber	PD/PK/ST/WWTP/Hardware/Paint	200.33
Mid-American Research Chemicals	PK / Freshener	118.10
Midland Scientific	WWTP / Testing Supplies	1,274.36
Mr Automotive	EL / WR / Battery / Bulb / Oil	185.26
Municipal Supply	WR/WWTP/Couplings/Manhole Covers	2,273.56
National Fire Protection Association	FD / Membership Dues	175.00
Nebraska Public Power District	O & M	89,031.39
NebraskaLink	LB / Internet Service	150.00
OCLC Inc	LB / Subscription	136.44
Oliver Consulting	LB / Backup / Repairs	245.00
Paulsen	PK / ST / WR / WWTP / Sand / Gravel	2,509.67
Presto-X	LB / Pest Control	75.00
Reader's Digest	LB / Subscriptions	49.94

S W Auto Parts	WWTP / Battery Charger / Fuel Tubing	184.95
Service Master	Janitorial Services	5,125.48
Spectrum	Cable Service	23.56
The Thompson Co	GGC / Food Products	452.57
TO Haas Tire & Auto	PD/PK/Struts/Alignment/Bobcat Tire	702.70
Todd Wilson, P.C.	Professional Fees	1,200.00
University of Nebraska - Lincoln	GGC / Food Safety Training	150.00
U-Save	Ambulance/EL/GGC/LB/ST/Office Spls	446.20
Walmart	LB / PD / PK / ST / WWTP / Supplies	862.52
Business Card:		
Dollar Tree Store	Appreciation Banquet	95.23
Hibbett Sports	PD / Protective Gear	19.25
USPS	WR / Postage	230.30
Cash-Wa Distributing	MOW / Food / Supplies	1,098.60
Dan's Sanitation	Sanitation Fees	31,227.51
Ditch Witch	WR / Replacement Keys	19.37
Fagot Refrigeration & Electric	AC/LB/SW/Circuit/Repairs/Dewatering	4,491.15
Great Western Bank-LB Petty Cash	LB / Postage	13.91
Great Western Bank-City Petty Cash	PD / Office Supplies / Training Meals	52.47
Hiland Dairy	MOW / Dairy Products	241.65
Intellicom	Computer / Domain Connection	80.26
J-Spot Services	EL / Dig & Clear Pole Hole	606.25
Lexington, City of	Franchise Fees	94,320.15
Lexington, City of	TIF to General Fund & Street Projects	161,129.73
Lexington Newspaper	Publications	20.85
Matheson	Ambulance / Medical Supplies	114.17
Miller & Associates	OC/Frontier St/Paving/Parking/Sidewalks	47,857.80
NE Public Health Environmental Lab	WR / Water Testing	878.00
Primary Electric	WWTP / Cooler Repair	355.00
Richardson Mowing	LB / Lawn Service	270.00
S W Auto Parts	ST / Acetylene / Oxy Gas / Spark Plugs	107.24
The Thompson Co	MOW / Food	448.74
Traveler's	Ambulance / FD / Insurance	7,098.00
VerizonCell	Phone Service	349.86
Village Uniform	GGC / Janitorial Supplies	55.84
Walmart	City/PK/ST/WR/Office/Shop Supplies	180.80
	<b>TOTAL CLAIMS:</b>	<b>813,095.16</b>

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

**SUBDIVISION APPLICATION:** Mayor Fagot opened a public hearing for Council to consider a proposed subdivision titled Southwest Second Subdivision. Pepplitsch explained the replat of a portion of the city owned Southwest First Addition is intended to accommodate the current redevelopment projects in that area; which replat was reasonably anticipated. He noted the Planning Commission has reviewed the application and has recommended approval. Being no further comments, the public hearing was closed. Resolution 2017-25 was presented. Moved by Salem, seconded by Smith, to approve Resolution No. 2017-25. Roll call. Voting "aye" were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2017-25**

**SOUTHWEST SECOND SUBDIVISION**

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

The plat of SOUTHWEST SECOND SUBDIVISION, a Replat of Blocks 2 and Block 9, Southwest First Addition, an Addition to the City of Lexington, 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 22<sup>nd</sup> day of August, 2017.**

**SUBDIVISION APPLICATION:** Mayor Fagot opened a public hearing for Council to consider a proposed subdivision titled Southwest Third Addition. Peplitsch explained the recently acquired city owned property needs to be formally subdivided, rezoned and included in the corporate limits. He noted the Planning Commission has reviewed the application and has recommended approval. Being no further comments, the public hearing was closed. Resolution 2017-26 was presented. Moved by Vivas, seconded by Salem, to approve Resolution No. 2017-26. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2017-26**

**SOUTHWEST THIRD ADDITION**

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

The plat of SOUTHWEST THIRD ADDITION, an Addition to the City of Lexington, 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 22<sup>nd</sup> day of August, 2017.**

**REZONING APPLICATION:** Mayor Fagot opened a public hearing to consider a rezoning application for the Southwest Third Subdivision. Peplitsch noted the C-3 zone request conforms to the comprehensive plan, and was recommended for approval by the Planning Commission. Being no further comment, the public hearing was closed. Ordinance No. 2397 entitled “AN ORDINANCE TO REZONE LOT 1, SOUTHWEST THIRD ADDITION, AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA FROM R-3 HIGH DENSITY RESIDENTIAL TO C-3 HIGHWAY COMMERCIAL; 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 Vivas, seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Salem, Roberts, Vivas, Fagot. Motion carried.

Ordinance No. 2397 was read on final reading. Moved by Vivas, seconded by Smith, to approve Ordinance 2397 on final reading. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

**ANNEXATION:** Mayor Fagot opened a public hearing to consider the annexation of the Southwest Third Addition. Pepplitsch noted the area is not currently included within the corporate limits, however surrounded on all sides by the corporate limit. The Planning Commission has recommended approval of the annexation. Being no further comment, the public hearing was closed. Resolution No. 2017-27 was presented. Moved by Roberts, seconded by Vivas, to approve Resolution No. 2017-27. Voting “aye” were Salem, Smith, Vivas, Roberts, Fagot. Motion carried.

**RESOLUTION NO. 2017-27**

**SOUTHWEST THIRD ADDITION  
ANNEXATION**

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

That the SOUTHWEST THIRD ADDITION, an Addition to the City of Lexington, Dawson County, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

**PASSED AND APPROVED this 22<sup>nd</sup> day of August, 2017.**

**EASEMENTS:** Pepplitsch presented a Declaration of Drainage and Utility Easement related to the Southwest First Addition. He explained that during storm sewer work in the area, it was determined additional easements were needed. Moved by Smith, seconded by Salem, to approve the Declaration of Drainage and Utility Easement as presented and to authorize execution. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**HOUSING LOTS:** Pepplitsch presented Resolution No. 2017-28, which would deed housing lots to the Community Development Agency for redevelopment purposes per the terms of an existing redevelopment contract. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2017-28. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2017-28**

WHEREAS, the City of Lexington owns certain real estate for the purpose of residential development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is preparing a redevelopment project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said redevelopment project by transferring title to said real estate to the Community Development Agency.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, as follows:

That the President of the Council is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Development Agency of Lexington, Nebraska, the following described real estate, to-wit:

Lots 1-20, all in Block Ten (10), Southwest First Addition, an addition to the City of Lexington, Dawson County, Nebraska

**Passed and approved the 22<sup>nd</sup> day of August, 2017.**

**GRANT ADMINISTRATION:** Peplitsch and Burnside reviewed a proposal from West Central Nebraska Development District for administrative services for CDBG #15-HO-33075 project. Burnside reviewed the proposal and future CDBG funding options. Moved by Salem, seconded by Smith, to approve the awarding a contract of grant administrative services to WCNDD for CDBG #15-HO-33075, contingent on grant extension. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #3 from Paulsen Inc. for the Southwest First Addition project in the amount of \$276,295.50. Following an update of the project, moved by Smith, seconded by Vivas, to approve Pay Request #3 to Paulsen Inc as presented. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**GRANT APPLICATION:** Burnside reviewed an application for federal assistance from the Recreational Trails program. He noted the \$250,000 grant is intended to be used to continue new trails in northwest Lexington in 2018. Following discussion, Resolution No. 2017-29 was presented. Moved by Roberts, seconded by Salem, to approve Resolution No. 2017-29. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**RESOLUTION NO. 2017-29**

WHEREAS, The City of Lexington, Nebraska, is applying for federal assistance from the Recreational Trails Program for the purpose of building new hike/bike trails in northwest Lexington; and

WHEREAS, The Mayor of Lexington, Nebraska, is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration; and

WHEREAS, The City of Lexington, Nebraska, currently has the written commitment for the 20% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, as follows:

The City of Lexington, Nebraska, will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for at least 10 years; and

The City of Lexington, Nebraska, will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is 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, and any of the regulations promulgated pursuant to such Act; and

The City of Lexington, Nebraska, will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project; and

The City of Lexington, Nebraska, will comply with the Federal accessibility and use standards where they can be reasonably applied.

**Passed and approved the 22<sup>nd</sup> day of August, 2017.**

**BUDGET:** Council and staff discussed a draft budget proposal for FY 2017-2018.

**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.

/s/ Pamela Baruth  
City Clerk