

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

A Regular Meeting of the Lexington City Council was held Tuesday, Tuesday, April 23, 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, City Attorney Brian Copley, Community Development Director Bill Brecks, Finance Director Barb Hodges, and City Clerk Pamela Baruth. The press was represented by Clipper-Herald, Tri-City Tribune and KRVN.

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 4-9-19: Minutes of the Regular meeting held Tuesday, April 9, 2019, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,089,341.14 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$377,435.39 from General Fund, \$140,140.41 from Street Fund, \$43,277.83 from TIF, \$22.00 from Housing Reuse, \$1,452,975.52 from LEXUS, \$31,107.58 from Sanitation, \$898.02 from Ambulance, \$39,208.82 from Health Fund, and \$4,275.57 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

**ACCOUNTS PAYABLE
April 23, 2019**

Aflac	Premiums	1,404.44
Anytime Fitness	Memberships	139.75
Area Services	ND / Restroom Repair	175.00
Baker & Taylor	LB / Books	331.64
Bernie & Pat's Custom Frame Shop	CC / Arbor Day Drawing Frame	71.53
BSN Sports	PK / Soccer Nets	399.97
Business Card:		
1000Bulbs	FD / ST / Light Bulbs	1,362.80
American Lifeguard Pro	AC / Supplies	1,324.59
Association of Aquatic Pros	AC / Membership	40.00
Casey's	CC / Work Session Meal	27.29
Cenex	PD / Fuel	11.37
Delight Donuts	WR / Training Meal	30.87
DHHS Central Registry	GGC / Registry Check	5.00
Excel Visual	DS / Storm Water Training	574.75
Glock Professional	PD / Training	500.00
Home Depot	ST / Planter	85.96
Kearney Equipment	PK / Equipment Parts	97.86
Mining Auger & Tool Wks	ST / Rock Drill Parts	522.78

NE Municipal Utilities	WR / Operator Training	150.00
Orscheln	PD / Scrubber	19.99
Sam's Club	ND / Office Supplies	112.33
UNL Marketplace	ST / Mosquito Spraying Books	118.25
USPS	WR / Postage	150.80
WordPress	LB / Contract	96.00
Cash-Wa Distributing	MOW / Food / Supplies	1,693.72
Center Point Large Print	LB / Books	180.36
Chesterman Coca-Cola	GGC / PK / Beverages	306.00
Construction Rental	PK / Hedge Trimmer	324.00
Country Partners Coop	CM / Lawn Care Supplies	320.28
Davis Energy	Fuel	2,950.25
Dawson County Treasurer	TIF Refund	11,163.62
Demco	LB / Office Supplies	348.33
Diamond Vogel Paint	ST / Street Paint	1,303.75
Eakes Office Solutions	LB / PD / Copier / Office Supplies	575.82
Energy Pioneer Solutions	EPS Payments	65.15
Express Laundry Center	Rug Maintenance	320.34
Fagot Refrigeration & Electric	GGC / LB / PK / WWTP / Repairs	1,348.19
Fastenal	ST / Hardware / Bits	242.13
Follett School Solutions	LB / Bar Code Scanners	890.40
Franco, Roberto	EL / Rebate	1,225.00
Gale/Cengage	LB / Books	197.13
Grainger	WWTP / Fuse	18.07
Hansen, Tony	EL / Rebate	2,500.00
Health Claims	Claims	13,953.77
Hiland Dairy Foods	MOW / Dairy Products	373.12
Holbein, Dahlas	Ambulance / FD / Vehicle Maintenance	1,500.00
Holmes Plbg & Htg Supply	WR / Backflow Device Parts	101.38
Home Federal Bank	Bank Loan Payments / SW 1st / OC	176,251.34
IGS Solar	EL / Power Purchase	35,521.59
Ingram Library Services	LB / Books	76.82
John Deere Landmark Implement	CM / Lawn Mower	15,100.00
Jones Plumbing & Heating	GGC / PK / Plumbing Repairs	460.25
Kelly's Sales & Ag Service	ST / Install Flatbed	3,295.93
KRVN	Public Service Announcements	278.40
Lexington Newspapers	Publications	156.24
Lexus	Utilities	38,812.70
Louthan & Wilson PC	Professional Fees	1,200.00
Matt Friend Truck Equipment	ST / Equipment Lights	191.96
Mead Lumber	DS/PK/Hardware/Lumber/Saw/Trash Cans	229.11
Micro-Marketing	LB / Books	2,481.57
Mills, Rhonda	EL / Rebate	700.00
Municipal Supply	SW / WR / Meter Lids / Ring / Cover	1,341.71
National Fire Protection Association	FD / Membership	175.00
Nebraska Dept of Environmental Quality	WWTP / Certification	150.00
Nebraska Public Power District	Power Purchase	1,085,238.48
Nebraskaland Tire	ST / WWTP / Maintenance / Tires	665.45
OCLC Inc	LB / Subscription	141.55
Orthman Community YMCA	Memberships / Feb / March	2,324.00
Presto-X	LB / Pest Control	79.00
S & W Auto Parts	PK / WWTP / Supplies	339.56
Service Master	GGC / LB / ND / Janitorial Services	5,516.30
South Central Nebraska Baseball League	PK / Membership	375.00
Taste of Home Magazine	LB / Recipes	33.98
TO Haas Tire Co	PD / Tire Repair	19.74
TotalFunds / Neopost	Postage	3,000.00

Tyler Technologies	Transaction Fees / Utility Notification Calls	1,487.70
US Foods	MOW / Food / Supplies	1,206.86
Utility Service Co	WR / Tower Maintenance	9,964.12
Village Uniform	GGC / Janitorial Supplies	55.84
Walmart	CC / DS / LB / PD / ST / Supplies / DVD's	438.21
Baker & Taylor	LB / Books	174.17
Barco Municipal Products	ST / Signs / Flags / Stand	947.43
Community Development Agency	Lex Dev Grp / TIF Series 2013 A / 2014 A	28,064.55
Dan's Sanitation	Sanitation Fees	31,107.58
Davis Energy	Fuel	1,096.05
Diamond Vogel Paint	ST / Street Paint	767.25
Eakes Office Solutions	ST / Copier Maintenance	184.63
Electrical Engineering & Equipment	ST / Street Light Supplies	29.19
Fagot Refrigeration & Electric	AC/EL/WR/SW/Well #9/Lift Station/Repairs	983.51
Gale/Cengage	LB / Books	13.50
Gnirk Lawn Care	EL / Ground Sterilant	2,304.41
Grainger	WWTP / Shelving	278.09
Great Western Bank	CED Payment	46,607.65
Great Western Bank-City Petty Cash	DS/OOR/PD/Filing Fees/Postage/Washes	72.16
Health Claims	Claims	23,661.40
Homestead Bank	Loan Payment / Optimist Rec Lighting	64,063.68
InfoDynamics	EL / Software Support	1,139.00
Ingram Library Services	LB / Books	150.35
Intellicom	ND / ASA Upgrade / Reboot	150.00
League of Nebraska Municipalities	Membership	13,639.00
Lexington City Payroll Account:		
Payroll	Wages	141,752.88
Social Security	Employer Portion / FICA Med	10,550.56
Union Bank & Trust	Employer Portion / Pension	4,646.84
Union Bank & Trust	Police Pension	2,688.25
ICMA	City Manager Pension	934.52
Lexington, City of	Franchise Fees	80,991.79
Lexington Health Fund	Self-funding	47,225.50
Lexington Newspapers	Publications	8.99
Mid-American Research Chemical	ST / Janitorial Supplies	191.87
Miller & Associates	Professional Fees	25,454.86
Municipal Supply	WR / Small Repair Clamps	291.26
Nebraska Environmental Products	ST / Sweeper Repair Parts	1,565.93
Nebraska Machinery	ST / Equipment Bulbs	57.26
Nebraska Public Health Environmental Lab	WR / Testing	150.00
Nebraska Public Power District	O & M	114,375.41
O'Reilly Auto Parts	WR / Seat Covers	195.00
Orthman Community YMCA	Ambulance / Training	360.00
Paulsen Inc	DS / ST / WR / Concrete / Rock	3,869.15
Plum Creek Medical Group	ST / WR / Inoculations	570.00
Plum Creek Motors	WWTP / Mower Parts	59.54
S & W Auto Parts	PD / Multimeter	40.99
TASC	Administration Fees	189.21
TO Haas Tire Co	CM / ST / Tire Repair	51.01
Verizon Wireless	Cell Phone Service	398.75
Walmart	CM / PK / ST / Supplies	325.78
	TOTAL CLAIMS:	2,089,341.14

FINANCIAL REPORT: Moved by Roberts, seconded by Smith, to accept the financial report for March 2019 as presented. Roll call. Voting "aye" were Salem, Smith, Roberts, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a Conditional Use Permit Application by Nebraska ILS Feeders DBA Roberts Cattle Company to expand feedlot operations. Brecks reviewed the application and plans submitted for the expansion in land size and number of cattle fed. He noted that there are no related codes specifically for feedlots in the Lexington Zoning Code. He also presented a draft conditional use permit agreement, pending issuance of permits by Nebraska Department of Environmental Quality for Council consideration. Brandon Sorensen, Assistant Manager of Roberts Cattle Co., reviewed plans for an increase in number of pens, reconstruction of roads, and additional water drainage to their current system. He explained plans for the increase in truck traffic and an increase in the number of employees to include pen riders, truck drivers, and maintenance personnel. Travis Caspersen, Settje Agri-Service and Engineering Inc., described the engineering and permitting process. There were no public comments and the public hearing was closed. Moved by Roberts, seconded by Smith, to approve the Conditional Use Permit application submitted by Roberts Cattle Company as presented and to authorize the execution of the CUP agreement. Roll call. Voting “aye” were Smith, Roberts, Fagot. Salem abstained from the vote. Motion carries.

LIBRARY REPORT: Library Board Secretary Cheryl Burnside provided an overview of the annual report for activities in 2017-2018. Following discussion, moved by Salem, seconded by Smith, to accept the library report as presented. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

PILOT: Derek Haines, Lexington Housing Authority Director, requested a waiver of the Payment in Lieu of Taxes agreement with the City of Lexington for Fiscal Year 2018-2019. Following discussion, moved by Roberts, seconded by Salem, to approve a waiver of the PILOT agreement as requested. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2415 entitled “AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Moved by Salem, seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

Ordinance No. 2415 was presented on final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2415 on final reading. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Smith, to enter into executive session at 5:46 p.m. to discuss negotiations for the purchase of land. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

Moved by Roberts, seconded by Salem, to enter into open session at 6:04 p.m. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch gave an update on the Kirkpatrick Memorial Park Lake project and noted planning has begun for an area west of the lake. Burnside stated the Arbor Day Poster Contest winner will be announced on Monday, April 29, 2019, at Sandoz Elementary School.

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