

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 28, 2012, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Steve Tomasek, Joni Bennett, Linda Miller, and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Building Inspector Bill Brecks, and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Also in attendance were Alfredo Zamora-Gomez, Brian Davis, John Nothnagel, Linda Schiffelbein, and Dora Vivas.

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 Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 8-14-2012 Minutes of the Regular meeting held Tuesday, August 14, 2012, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$430,019.26 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$202,672.63 from the General Fund, \$178,857.44 from LEXUS, \$29,320.86 from Sanitation, \$780.49 from Ambulance Fund, \$12,688.14 from Health Fund, and \$5,699.70 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Salem, Miller, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 28, 2012**

Arrow Seed Company, Inc.	Grass Seed for PKS	1314.00
Associated Supply Company, Inc.	LFAC Supplies	100.90
Axis Capital, Inc. Mail	Machine Payment	840.00
Bob's Auto Repair & Service, Inc.	Meter Reader Vehicle Repair	1,057.50
Business Card		
Computer Warehouse #4	Computer / Camera Cables	33.36
Redevector.com	Bldg Insp Classes	48.50
UNO Online Bookstore	Bldg Insp Books	243.91
ICMA Conference	Registration / D Burnside	885.00
United	Travel Reservations / D Burnside	571.60
Granite City Tool	MP-7 Cleaner for Cemetery Use	51.30
WFCA's Fire Service Bookstore	Fire Dept Books	513.72

Amazon.com	Battery / EL Fault Locator	31.90
EPA Sales	SW Fiberglass Pole	334.76
Sprinkler Warehouse Sales	PK Sprinkler Supplies	450.76
National League of Cities	Conference Registrations/L Miller/J Fagot	1,015.00
Progressive Executive Education	Webinar Registration / P Berke	199.00
Card Center/Orscheln	PK/ST/SW/CG/WR Supplies	356.06
Cash-Wa Distributing	Food & Supplies	1,074.14
Central Garage Fund	Service / Repair	8,118.22
Central Tire & Tread, Inc.	Loader Tire / Supplies	2,325.38
Coca Cola/Dr Pepper Bottling of Kearney	Beverages	70.00
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	7,465.64
Demco, Inc.	Library Supplies	126.81
Dutton-Lainson Company	EL Meter Supplies	331.15
Eakes Office Plus	Library Supplies	79.23
Electric Fixture & Supply	EL Supplies / NW SR Housing PJ	1,584.44
Exchange Bank	Copier Payments	1,195.44
Fagot Refrigeration & Electric	WWTP Service	198.00
Farmer Brothers Coffee	Food	317.91
Fastenal	ST / PK Safety Glasses	112.22
Five Star Flooring	Serv Bldg Supplies	103.58
Gale Group, The	Library Books	159.93
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Meals / Supplies	278.09
Hach Company	WWTP Testing Supplies	602.95
Health Claims Fund	Claims	9,744.46
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
In The Swim	LFAC Supplies	412.93
Ingram Library Services	Library Books	744.04
Intellicom Computer Consulting	Backup Service	132.00
Jim Phillips Const.	ST / Sidewalk / Parking Lot Repairs	12,212.00
League of Nebraska Municipalities	Membership Dues	4,431.00
Lexington Newspapers, Inc.	Publications	237.23
Lexington Utilities System	Utilities	44,293.66
Lexington City Payroll Account		
Payroll	Wages	128,115.48
Social Security	Employer Portion / FICA Med	9,445.70
Union Bank & Trust	Employer Portion / Pension	3,902.52
Union Bank & Trust	Police Pension	1,756.91
ICMA	City Manager Pension	463.85
Magana, Laurae	LFAC Refund	45.00
Mead Lumber & Rental-Lexington	LFAC/Fire/WWTP/PK/Muni Bldg Supplies	780.69
Miller & Associates, Inc.	Airport Rd /Muni Well 17/18/Tri-Co Dev	8,522.60
Municipal Supply	WR Supplies	463.05
National Association of Senior Citizens	Conference Registration	60.00
Nebraska Public Health Environmental Lab	Police Blood Test	84.00
Nebraska Rural Water Association	Annual Membership Fee	275.00
NSA & POAN Conference	Registration Fees	190.00
OCLC, Inc.	Library Subscription	25.84
Oliver Consulting Services, Inc.	Library Computer Service	100.00
Olsson Associates	Downtown Revitalization-Phase II	1,612.28
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete	2,056.60
Platte Valley Communications of Kearney	Mo Maint / Radio Repair / Supplies	337.80
Presto-X	Library Service	98.28
Roberts Dairy Company	Beverages	250.58
S & W Auto Parts, Inc.	Central Garage / LFAC Supplies	764.73
Service Master Mid Nebraska	Cleaning Service	4,819.75

Sirchie Finger Print Lab	Police Supplies	76.97
Subway @ Walmart	Meals	30.00
Summit Supply Corporation	PK Table Legs	3,595.00
T. O. Haas Tire Co., Inc.	Loader Tires	384.15
TASC - Client Invoices	Fees	174.65
Team Detail & Quicklube	Car Washes	100.00
Thompson Co., The	Food & Supplies	1,730.73
Tri-City Tribune	Publication	10.80
Tyler Technologies, Inc.	Annual Hardware / Software Maintenance	19,402.26
U-Save Business Equipment	Postage/UPS Chgs/GGC/Muni Bldg Spls	474.02
Verizon Wireless	Cellphone Service	366.05
Village Uniform	GGC Service	50.20
Wal-Mart	Supplies	146.64
Web QA, Inc.	Stormwater/Bldg Insp Software Sbscrptn	3,000.00
AFLAC	Premium	1,277.30
All Points Cooperative	Fuel	1,014.84
Area Services	SW / Lift Station Services	327.50
Associated Supply Company, Inc.	LFAC Chemicals / Supplies	6,365.24
Cash-Wa Distributing	Food & Supplies	702.50
Dan's Sanitation, Inc.	Sanitation Fees	29,320.86
Electric Fixture & Supply	EL / SW Supplies	79.96
Gale Group, The	Library Books	156.70
Garden & Lawn Landscaping	Yard Clean-up	100.00
Great Western Bank-City Petty Cash	Registration Fee / Postage / Meals	69.73
Health Claims Fund	Claims	1,491.73
Jim Phillips Const.	ST Repair	3,300.00
Lexington Newspapers, Inc.	Publications	46.61
Lexington, City of	Franchise Fees	79,674.23
Mead Lumber & Rental-Lexington	Cem / DCOC Supplies	67.70
Mid-American Research Chemical	ST Supplies	333.67
Paulsen, Inc.	Concrete	913.75
Roberts Dairy Company	Beverages	161.78
Run-N-Iron	Firearm	550.00
S & W Auto Parts, Inc.	ST Equipment Parts	208.00
T. O. Haas Tire Co., Inc.	Tire Repair	306.50
Team Detail & Quicklube	Vehicle Window Repair	40.00
U-Save Business Equipment	Postage / UPS Charges / ST Supplies	261.52
Unitech	SW Degreaser	2,452.00
Wal-Mart	Supplies	87.29
	TOTAL CLAIMS:	430,019.26

LIQUOR LICENSE:

Mayor Fagot continued a public hearing to consider a Class "I B" liquor license application from Alfredo Zamora-Gomez dba Oasis, 405 East Pacific. Information was provided to complete the application. Following discussion, the public hearing was closed. Moved by Miller, seconded by Salem, to recommend to the Liquor Control Commission approval of the liquor license application by Alfredo Zamora-Gomez dba Oasis. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2318 entitled "AN ORDINANCE TO VACATE THAT PORTION OF 4th STREET LYING BETWEEN THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET AND A POINT WHICH IS 176 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO RETAIN EASEMENT FOR PUBLIC UTILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND

FOR PUBLICATION IN PAMPHLET FORM” was presented on Second reading. There being no public comments received by Council or Staff, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2318 was presented on Final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2318 on Final reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2319 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA REVISING ALL THE ORDINANCES OF THE CITY; ADOPTING AND ENACTING A NEW CODE FOR THE CITY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE” was presented. Peplitsch noted that the revised code contains updates to comply with current state statutes, removal of unnecessary and outdated sections, and definition changes. He requested Council further review of the proposed amendments and to direct any questions to Staff. Following discussion, moved by Miller, seconded by Bennett, to approve Ordinance No. 2319 on first reading. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

LIQUOR LICENSE:

Mayor Fagot opened a public hearing to consider a liquor license application for Class “D” license for JBN Inc dba Hi Times Liquor Mart 2. John Nothnagel addressed the council, noting that this is a change in corporation name. Fagot noted that he has not received any adverse comments regarding the local business. The public hearing was closed. Following discussion, moved by Bennett, seconded by Miller, to recommend to the Liquor Control Commission approval of the Class D license for JBN Inc. dba Hi Times Liquor Mart 2. Roll call. Voting “aye” were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

ACCOUNTS RECEIVABLES:

Peplitsch requested authorization to remove balances for utility accounts deemed uncollectible. Following discussion, moved by Miller, seconded by Tomasek, to authorize Staff to remove the balances for utility accounts as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. Following discussion, the public hearing was closed.

Ordinance No. 2320 entitled “AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2320 was presented on Final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2320 on Final reading. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

- APPOINTMENT:** Fagot proposed the appointment of Brad Schott to the Lexington Tree Board to fill a vacant position. Moved by Miller, seconded by Salem, to appoint Brad Schott to the Lexington Tree Board. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.
- BUDGET FY 2013:** Council and Staff reviewed a draft of the FY 2013 budget. Peplitsch noted that a public hearing for the Budget will be conducted at the September 11, 2012 Council meeting. Following discussion, no action was taken.
- FINANCIAL REPORT:** Peplitsch reviewed a financial report for July 2012. Following discussion, moved by Salem, seconded by Tomasek, to accept the financial report for July 2012. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.
- ROUNDTABLE DISCUSSION:** Peplitsch gave an update on various current projects including downtown and Southeast Business Park improvements.
- Burnside gave an update on the east viaduct design contract.
- Tomasek announced that he will be absent from the September 11, 2012 meeting.
- ADJOURNMENT:** There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Pamela Berke
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