

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 9, 2014, at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, and Jeremy Roberts. Council member Dora Vivas was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Development Services Director Bill Brecks, Police Chief Tracy Wolf, Finance Director Barb Hodges, Chief Building Inspector Mark Yung and City Clerk Pamela Baruth. The press was represented by KRVN Radio, Lexington Clipper-Herald and Kearney Hub.

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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 8-26-2014: Minutes of the Regular meeting held Tuesday, August 26, 2014, were presented for Council consideration. Moved by Roberts, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Miller, Roberts, Fagot. Motion carried.

MINUTES – WORK SESSION 8-30-2014: Minutes of the Regular meeting held Saturday, August 30, 2014, were presented for Council consideration. Moved by Salem, seconded by Roberts, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,345,167.64 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$678,499.96 from the General Fund, \$70,325.40 from Street Fund, \$2,968.00 from TIF, \$1,516,586.65 from LEXUS, \$40,000.00 from Sanitation, \$5,057.34 from Landfill, \$8,708.07 from Ambulance, \$21,996.75 from Health Fund, and \$1,025.47 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Roberts, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 9, 2014

Accurate Environmental LLC	EPA WR Samples	905.00
Alamar Uniform	Uniform Expense	75.85
All Points Cooperative	Fuel / Weed Spray	626.33
Bob's Auto Repair	Truck Repair	122.50
Central Garage	Fuel	12,748.82
Central Tire & Tread, Inc.	Tire Repair	19.58
Community Development Agency	TIF / Miller & Associates	2,968.00
Copper, Michael	Yard Clean-up	100.00
Culligan Water Conditioning Co .	Soft Water Supplies	134.99
Dan's Sanitation	Sanitation Fees	11,718.16
Davis Energy, Inc.	Fuel / WWTP Supplies	5,995.28
Dawson Area Development	Leadership Class Registration	225.00
Demco	Library Supplies	272.06
Dutton-Lainson Company	EL Meter Supplies	51.77

Eakes Office Plus	Copies/Supplies	2,155.92
Edupress	Library Supplies	51.40
Electrical Engineering & Equipment Co.	EL Supplies	275.56
Eustis Body Shop	Towing Expense	390.00
Express Laundry	Rug Service	298.75
Fagot Refrigeration & Electric, Inc.	Lift Station Service / WWTP A/C Install	3,386.89
Fastenal	WR Meter Supplies	412.74
Fireguard, Inc.	Fire Dept Service / Repair	1,499.75
Fox Bros. Hay Company	Wood Grinding Service	4,500.00
Gale/Cengage Learning	Library Books	134.95
HD Supply Waterworks	EL Meters/WR Meter Radios/Couplings	50,182.84
Health Claims Fund	Claims	21,996.75
Hernandez, Jose	EL Rebate	1,025.00
Hernandez, Lorena	UTL Refund	29.75
HOA Solutions, Inc.	Scada Controls Maintenance	1,040.00
Holbein, Dahlas	Lawn Care / Yard Clean-up	795.00
Ingram Library	Library Books	182.95
Intellicom Computer Consulting, Inc.	Radio Replacement	354.71
Jack's Uniforms	Police Supplies	142.74
Jones Plumbing & Heating, Inc.	WR / WWTP Supplies	329.94
Knapp Electric	LFAC Motor Repair	27.50
Kully Pipe & Steel Supply	WWTP Supplies	202.34
Lexington Area Solid Waste Agency	Landfill	1,375.20
Lexington Health Fund	Self-funding	46,376.35
Lexington Optimist	Membership Dues	75.00
Lexington, City of	Franchise Fees	50.21
Lexington City Payroll Account		
Payroll	Wages	127,387.24
Social Security	Employer Portion / FICA Med	9,440.08
Union Bank & Trust	Employer Portion / Pension	4,321.62
Union Bank & Trust	Police Pension	2,134.36
ICMA	City Manager Pension	841.84
Lien, Inc.	Libr/Jackson St Repairs/Landscaping	9,666.84
Mac's Short Stop	Rec / GGC Food & Supplies	68.41
Madeline's Café & Bakery	Food	18.95
Matheson Tri-Gas, Inc.	Oxygen Supplies	127.88
Mead Lumber	WWTP/ST/DCOC/Muni Bldg/REC Spls	275.42
Meritain Health	Health Premium	20,297.18
MicroMarketing LLC	Library Books	63.98
Mid-State Engineering & Testing, Inc.	PK Soil Testing	440.00
Milco Environmental Services, Inc.	Landfill Closure	5,057.34
Miller & Associates	Lexington East Viaduct PJ	26,617.69
Municipal Automation & Control	WWTP Pump Timer / Level Indicator	4,644.01
Municipal Supply, Inc.	WR Supplies/New Svc for Liberty Dr PJ	29,368.95
NASC	GGC Conference Registration	180.00
Nebraska Rural Water Association	Membership Dues	275.00
Nebraska Community Energy Alliance	Membership Dues	1,000.00
Nebraska Library Commission	Registration	10.00
Nebraska Machinery	Loader Repair	881.58
Nebraska State Treasurer	Unclaimed Property	854.25
NebraskaLink	City / Library Service	395.00
Oliver Consulting Services, Inc.	Library Repair	120.00
One Call Concepts, Inc.	Locates	141.15
Overton Sand & Gravel	Ice Control Gravel / Gravel	1,696.81
Paulsen, Inc.	Concrete / Rock	857.05
Pinnacle Agency	Vehicle Insurance Premium	24.00
Platte Valley Auto Mart	ST Vehicle Repair	254.67

Presto-X	Library Service	101.23
Principal	Dental Premium	2,703.62
Richardson Mowing	Library Lawn Care	255.00
S & W Auto Parts, Inc.	ST / PK Supplies	142.15
Service Master of Mid Nebraska	Cleaning Service	4,876.62
Sign Pro	REC Supplies	253.00
Source Gas, LLC	Gas Service	2,999.19
Standard Life	Life Premium	703.69
Statewide Collections LLC	Collection Fee	202.24
T. O. Haas Tire & Service	Tires / Repair	203.66
Travelers - RMD	WC Premium Fire Pkg	8,187.00
University of Nebraska-Lincoln	GGC Seminar	20.00
VSP / Vision Service Plan	Vision Premium	642.10
Walmart	Supplies	125.36
Anderson Graphics	Library Service	67.50
Culligan Water Conditioning Co.	Soft Water Supplies	93.09
Dan's Sanitation	Landfill	2,051.10
Dawson Pest Control	GGC Service	36.75
Dawson Public Power	Power Purchase	9,507.68
Depository Trust Company	2011 Combined UTL Refunding Bond Pymt	135,658.75
Diamond Vogel Paints	ST Supplies	814.50
EMS Billing Service	Ambulance Billing	1,842.11
Eustis Body Shop	Police Vehicle Repair	860.60
Fagot Refrigeration & Electric, Inc.	DCOC Sign Rpr/Optimist PK Maint Bldg UG	12,602.75
Fire-Extrication-Hazmat Billing	Ambulance Billing	10.00
Galls	Police Uniform Expense	117.84
H. O. Smith Company, The	Title Certificate	80.00
Hawkins, Inc.	LFAC Chemicals	175.60
HD Supply Waterworks	Trimble Repair / Handheld	3,940.82
Lexington Animal Clinic	Animal Care	1,183.89
Lexington, City of - GF	Transfer to Debt Service	27,509.00
Lexington, City of - Landfill Fund	Transfer from Sanitation	30,000.00
Lexington, City of - Operating	Account Analysis Bank Charge	2,400.04
Lexington, City of - Street	Sales Tax for 2014	452,695.00
Lexington Newspapers, Inc.	Publications	606.93
Lexington Regional Health Center	Wellness / Misc Laundry	277.00
Lien, Inc.	Library Landscape Maintenance	180.00
Martin Electric, Inc.	LFAC / Fire Hall Repairs	119.15
Midwest Laboratories, Inc.	WWTP Testing Supplies	348.00
Nebraska Department of Revenue	Sales & Use Tax	57,923.03
Nebraska Public Power District	Power Purchase	1,154,568.54
O'Hara Lindsay and Associates, Inc.	Lobbying Service	1,000.00
Platte Valley Auto Mart	Vehicle Service / Repairs	340.12
Rural Community Insurance Services	Crop Insurance	182.00
S and D Contractors	Yard Clean-up	750.00
Service Master of Mid Nebraska	Cleaning Service	80.00
Steve's Lock & Key	Service Bldg Repair	52.00
T. O. Haas Tire & Auto Service	Tire Repair	14.74
Thalman, Julie	Cleaning Service	235.00
Titan Machinery-Lexington	Mower	3,100.00
Total Lawn Care	LFAC Lawn Care	1,125.00
Unisan Nebraska LLC	ST Supplies	119.00
University of Nebraska-Lincoln	Registration Cancellation	-20.00
U-Save Business Equipment	FD/Admin/Lbr/GGC/St/Rec/Dev Svc Spls	213.61
Village Uniform	GGC Supplies	122.90
Walmart	Supplies	51.86

TOTAL CLAIMS:

2,345,167.64

PUBLIC COMMENTS: Earl Lindeman, 2003 Patriot Drive, chastised Council and Staff about the local property maintenance/nuisance abatement process and its application to public entities, and offered pictures as evidence of his concerns. He also chastised Council and Staff members on their interactions with citizens and overall professionalism.

PUBLIC HEARING: Fagot opened a public hearing to consider amending the 2013-2014 fiscal year budget. Finance Director Barb Hodges explained that bond refinancing and unforeseen CDA expenditures related to redevelopment projects in the current fiscal year drove expenditures higher than originally anticipated. As the necessary expenditures exceeded approved levels, the amendment is needed to satisfy state requirements. She noted that the amendment has no impact on tax asking. There being no public comments, the public hearing was closed. Moved by Miller, seconded by Salem, to approve the amendment to the 2013-2014 fiscal year budget as presented. Roll call. Voting “aye” were Roberts, Salem, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to discuss the proposed FY 2015 budget. Council and Staff reviewed the proposed budget. Earl Lindeman, 2003 Patriot Drive, requested clarification of budget amounts for the Development Services department. Being no further comments, the public hearing was closed.

RESTRICTED FUNDS: Peplitsch recommended additional restricted funds authority. Following discussion, moved by Miller, seconded by Roberts, to increase the base of restricted funds by an additional 1% for FY 2015. Roll call. Voting “aye” were Salem, Roberts, Miller, Fagot. Motion carried.

TAX REQUEST HEARING: Mayor Fagot opened a public hearing to discuss setting the FY 2015 final tax request at a different amount than the prior year request. Following discussion, the public hearing was closed. Resolution No. 2014-31 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2014-31 as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2014-31

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2014-2015 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the city of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the city of Lexington by a majority vote resolves that:

1. The 2014-2015 property tax request is set at \$988,315.77.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2014.

PASSED AND APPROVED this 9th day of September, 2014.

APPROPRIATION ORDINANCE: Ordinance No. 2350 entitled “AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2014-2015; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Moved by Salem, second by Miller, to suspend

the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Roberts, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2350 was presented on final reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2350 on final reading. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

PURCHASE AGREEMENT: Peplitsch reviewed a purchase agreement with NPPD for the purchase of land north of 20th Street between Adams Street and Airport Road. Following an overview of the agreement and potential plans for the property, moved by Salem, seconded by Roberts, to approve the purchase agreement and to authorize the City Manager to execute necessary documents. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

ACCOUNTS RECEIVABLE: Peplitsch reviewed delinquent account balances that have been deemed uncollectible. Following discussion, moved by Miller, seconded by Roberts, to authorize Staff to remove account receivable balances as presented. Roll call. Voting “aye” were Salem, Roberts, Miller, Fagot. Motion carried.

WORK SESSION: Moved by Salem, seconded by Roberts, to schedule a Council Work Session for Saturday, October 4, 2014, at 8 a.m. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Burnside provided an update on the 6th Street/Grant to Taft project.

ADJOURNMENT: There being no further business to come before the Council, Salem 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