

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 11, 2012, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Joni Bennett, Linda Miller, and John Salem. Council member Steve Tomasek was absent. City Officials present were City Manager Joe Pappalardo, Assistant City Manager Dennis Burnside, Finance Director Barb Hodges, and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington 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 Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 8-28-2012** Minutes of the Regular meeting held Tuesday, August 28, 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 \$1,647,201.71 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$198,432.37 from the General Fund, \$35,240.00 from TIF, \$1,374,828.63 from LEXUS, \$10,000.00 from Sanitation, \$13,814.71 from Ambulance Fund, \$10,892.24 from Health Fund, and \$3,993.76 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
September 11, 2012**

All You Library	Subscription	20.04
Ameri-Kart Corp.	Rec Supplies	160.15
Anderson Graphics	Library Service	67.50
Annie's Attic Books	Library Book	19.94
Associated Supply Company, Inc.	LFAC Supplies	455.32
B & D Office City	Business Office Supplies	341.05
Baker, Michael	Mileage to School	199.80
Cash-Wa Distributing	GGC Food & Supplies	616.37
Central Garage Fund	Fuel	10,738.96
Central Tire & Tread, Inc.	WWTP Tractor Tires	1,939.32
Community Development Agency	Legend Oakes II	35,240.00
Consolidated Management Company	Police School Meals	153.25
Country Books	Library Book	31.98

Culligan Water Conditioning Co.	Soft Water Supplies	198.46
Dan's Sanitation	Sanitation Fees	13,789.44
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	2,741.49
Dawson County Transit Bus	Transportation	24.00
Dawson Pest Control	GGC Service	36.75
Dell Marketing LP	Police In-car Camera	943.26
Depository Trust Co.	2011 UTL Refunding Bond Pmt	131,647.50
Diamond Vogel Paint	PK / ST Supplies	913.26
Dutton-Lainson Company	EL Meter Supplies	191.66
Eakes Office Plus	Muni Bldg / ST Copies	535.93
Egan Supply Company	ST Supplies	165.04
Electric Fixture & Supply	Cemetery Supplies	85.25
EMS Billing Services, Inc.	Ambulance Billing Service	2,010.22
Friedrichsen, Leon	1/2 Safety Boots	112.50
FYR-TEK, Inc.	Fire Dept Service / Supplies	1,027.00
Great Plains One-Call Service	Locates	99.27
Health Claims Fund	Claims	6,281.73
Holbein, Dahlas D.	Lawn Care/Yard Clean-up/Fire Dept Fuel	774.00
Holiday Inn Express	St Softball Tournament Umpires Lodging	1,848.00
Holmes Plbg & Htg Supply Co.	SW Pump	351.62
Ingram Library Services	Library Books	235.82
JEO Consulting Group, Inc.	Comprehensive Plan Study	3,841.20
Jones Plumbing & Heating, Inc.	LFAC Repair	70.00
Jones, John	Lifeguard Instruction	125.00
League of Nebraska Municipalities	Conference Registrations	750.00
Lexington Animal Clinic	Animal Care	653.15
Lexington Feeders Service	Bldg Insp Supplies	13.50
Lexington Glass Co., Inc.	LFAC Repair	275.00
Lexington Health Fund	Self-Funding	32,735.51
Lexington Newspapers, Inc.	Publications	671.36
Lexington Optimists	Membership Dues	75.00
Lexington Postmaster	GGC Postage	165.00
Lexington, City of	Franchise Fees	9.42
Lexington City Payroll Account		
Payroll	Wages	115,165.27
Social Security	Employer Portion / FICA Med	8,454.25
Union Bank & Trust	Employer Portion / Pension	3,878.07
Union Bank & Trust	Police Pension	1,776.42
ICMA	City Manager Pension	498.47
Louden's for Men	1/2 Safety Boots	109.00
Mac's Short Stop	GGC / Rec / LFAC Food & Supplies	83.92
Martin Electric, Inc.	LFAC Repair	141.82
Mast's Fire Extinguisher Sales	Fire Dept Service	59.05
Matheson Tri-Gas Inc.	Ambulance Supplies	143.85
McCookNet Internet Service	Service	53.00
Mead Lumber & Rental-Lexington	Fire Dept Supplies	18.48
Meritain Health	Premium	20,695.59
Mid-American Research Chemical	LFAC Supplies	140.13
Midland Scientific, Inc.	WWTP Supplies	401.76
Miller & Associates, Inc.	Pro Service	871.85
Morris Press	GGC Supplies	73.00
Motzner, Bill	EL Rebate	700.00
NE Law Enforcement Training Center	Police School Supplies	80.00
Nebraska Life	Library Subscription	21.00
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Admin Training Seminar	75.00

Nebraskaland Tire	Bldg Insp Repair	17.36
Overton Sand & Gravel	Gravel / Sand	406.64
Oxmoor House	Library Book	36.92
Paulsen, Inc.	Concrete	89.35
Peerless Energy Systems	WWTP Supplies	65.25
Platte Valley Auto Mart, Inc.	Police Vehicle Service	43.46
Plum Creek Cleaners	Rug Service	310.50
Primary Electric, Inc.	WWTP Supplies / Repair	182.30
Principal	Dental Premium	2,178.60
Rasmussen Mechanical Services	WWTP Boiler Repair	572.50
Reader's Digest	Library Subscription	13.98
Richardson Mowing	Lawn Care	150.00
Roberts Dairy Company	Beverages & Food	146.82
Run-N-Iron	Firearm	550.00
Sensus Metering Systems	Annual Support	1,524.60
Service Master Mid Nebraska	Cleaning Service	4,194.12
Silva, Telma	Ambulance Refund	7.26
Source Gas, LLC	Gas Service	1,634.72
Statewide Collections LLC	Collection Fees	1,200.81
Subway @ Wal-Mart	Meals	34.25
Sund, Dennis	EL Rebate	1,225.00
Team Detail & Quicklube	Police Vehicle Repair	40.00
Thalman, Julie	Cleaning Service	200.00
Thayer & Thayer	Ambulance Refund	15.00
Thompson Company, The	Food & Supplies	501.86
Total Lawn Care	Lawn Care	900.00
Travelers - RMD	W C Premium Fire Pack	6,640.00
U-Save Business Equipment	Admin / Council Supplies / Postage	372.05
Village Uniform	GGC Supplies	50.20
Wal-Mart	Supplies	393.30
Bauer Underground, Inc.	Adams 102 Conversion PJ	435.00
Better Homes & Gardens	Library Book	33.91
Cash-Wa Distributing	Food & Supplies	822.13
Central Garage Fund	Service / Repair	3,297.93
Century Manufacturing Corporation	Central Garage Supplies	131.92
Conney Safety Products	ST / WWTP Supplies	343.12
Dawson County Register of Deeds	Filing Fees	27.00
Dawson Pest Control	DCOC Service	54.60
Dawson Public Power District	Power Purchase	453.72
Dutton-Lainson Company	EL Meters	407.68
EDM Publishers, Inc.	Blg Insp Book	98.78
Environmental Products & Access., LLC	SW Extendable Poles	566.52
Fagot Refrigeration & Electric	Sub Station/WWTP/LFAC/Repair/Service	1,910.38
Farmer Brothers Coffee	Food	283.67
Fastenal	SW Supplies	36.15
Fox Bros. Hay Co., Inc.	Wood Grinding	4,995.38
Health Claims Fund	Claims	2,431.91
High Plains Library District	Library Book	13.99
John Deere Financial/Landmark Implement	Central Garage / WWTP Supplies	614.01
Jones Plumbing & Heating, Inc.	WR / SW Supplies	423.00
K.R.V.N. Radio	NPPD Coop Ads	41.60
Lexington Area Solid Waste Agency	Landfill	1,152.72
Lexington Regional Health Center	Wellness	168.00
Lexington, City of	Annual Service Fees	6,786.43
Martin Electric, Inc.	Traffic Light Repair	64.85
Mead Lumber & Rental-Lexington	ST / Cem Supplies	103.33
Midland Scientific, Inc.	WWTP Testing Supplies	63.82

Midwest Laboratories, Inc.	WWTP Service / Supplies	964.30
Miller & Associates, Inc.	18th ST Paving Ext-SWPP PJ	1,503.55
Municode	Municipal Code Service	2,145.37
NE Public Health Environmental Lab	WR Testing	2,259.00
Nebraska Dept. of Revenue	Sales & Use Tax	65,841.50
Nebraska Machinery	Central Garage Supplies	845.40
Nebraska Public Power District	Power Purchase	1,044,812.57
Nebraska Tech & Telecomm, Inc.	Telephone Service	866.49
NebraskaLink	Library Service	15.00
Paulsen, Inc.	Concrete	334.00
Plum Creek Market Place	Food & Supplies	114.50
Roberts Dairy Company	Food & Beverages	174.82
S & W Auto Parts, Inc.	Central Garage Supplies	540.98
Schulte, Michael Central	Garage Service	15.00
Taste of Home Books	Library Book	31.98
Thompson Co., The	Food	493.55
U-Save Business Equipment	Postage / Supplies	142.25
Unisan Products	Library Supplies	162.60
University of Nebraska Omaha	Tuition / Service Fees-Brecks	2,660.50
	<b>TOTAL CLAIMS:</b>	<b>1,647,201.71</b>

**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 on second reading. Following discussion, moved by Salem, seconded by Miller, to approve Ordinance No. 2319 on second reading. Roll call. Voting “aye” were Bennett, Miller, Salem, Fagot. Motion carried.

**BUDGET HEARING:** Mayor Fagot opened a public hearing to discuss the proposed 2012-2013 fiscal year budget. Council and Staff reviewed the proposed budget. The public hearing was closed.

**RESTRICTED FUNDS:** Peplitsch reviewed the current restricted funds authority. Following discussion, moved by Miller, seconded by Bennett, to increase the base of restricted funds by an additional 1% for FY 2013. Roll call. Voting “aye” were Salem, Bennett, Miller, Fagot. Motion carried.

**TAX REQUEST HEARING:** Mayor Fagot opened a public hearing to discuss setting the FY 2013 final tax request at a different amount than the prior year request. Following discussion, the public hearing was closed. Resolution No. 2012-18 was read before Council. Moved by Salem, seconded by Miller, to approve Resolution No. 2012-18 as presented. Roll call. Voting “aye” were Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2012-18

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2012-2013 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 2012-2013 property tax request is set at \$940,947.49.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2012.

PASSED AND APPROVED this 11th day of September, 2012.

John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**ORDINANCE:**

Ordinance No. 2321 entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2012-2013; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Moved by Miller, seconded by Salem, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Salem, Miller, Fagot. Motion carried.

Ordinance No. 2321 was presented on final reading. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2321 on final reading. Roll call. Voting "aye" were Salem, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION:**

Pepplitsch presented a resolution authorizing the execution of an agreement for engineering services for the Lexington East Viaduct project. Following a review of the agreement and a project scope, moved by Miller, seconded by Bennett, to approve Resolution No. 2012-19 as presented. Roll call. Voting "aye" were Salem, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON  
RESOLUTION NO 2012 - 19

SIGNING OF AN ENGINEERING SERVICES AGREEMENT

Whereas: The City of Lexington is developing a transportation project for which it intends to obtain Federal funds; and

Whereas: The project is named "Lexington East Viaduct" with the federal project number URB-1705(3), and the Nebraska Department of Roads Control Number 61457; and

Whereas: The City of Lexington, as a sub-recipient of Federal-Aid funding, is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: The City of Lexington and Miller & Associates wish to enter into an Engineering Services Agreement to provide Preliminary Engineering Services for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington that:

John Fagot, Mayor, is hereby authorized to sign the attached Engineering Services Agreement between the City of Lexington and Miller and Associates.

PASSED AND APPROVED this 11th day of September, 2012.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, City Clerk

**RESOLUTION:**

Peplitsch presented a resolution approving a supplemental agreement for the Lexington East Viaduct project. Following discussion, moved by Salem, seconded by Bennett, to approve Resolution No. 2012-20 as presented. Roll call. Voting "aye" were Miller, Bennett, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
RESOLUTION NO. 2012 - 20

SIGNING OF SUPPLEMENTAL AGREEMENT #1  
PROJECT PROGRAM AGREEMENT – LEXINGTON EAST VIADUCT

Whereas: The City of Lexington and The Nebraska Department of Roads entered into a Project Program Agreement BL1146 executed by the City on February 15, 2012, and executed by the State on February 23, 2012, hereinafter referred to as the "Original Agreement"; and

Whereas: The project is named "Lexington East Viaduct," with the federal project number URB-1705(3), and the Nebraska Department of Roads Control Number 61457; and

Whereas: It now becomes necessary to adjust the funding and invoicing responsibilities;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON that the Mayor is hereby directed and authorized to execute on behalf of the City of Lexington, Supplemental Agreement #1 with the Nebraska Department of Roads., for Project No. URB-1705(3), Control No. 61457, Lexington East Viaduct.

Passed and approved on this 11<sup>th</sup> day of September 2012.

John Fagot, President of Council

ATTEST: Pamela Berke, City Clerk

**WORK SESSION:**

Following discussion, moved by Salem, seconded by Miller, to set a Council work session for Saturday, September 29, 2012, at 8 a.m. Roll call. Voting “aye” were Bennett, Miller, Salem, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:**

Peplitsch gave an update on various current projects.

Burnside gave an update on the Comprehensive Plan process and the scrap tire collection scheduled for September 21.

Fagot reported that he and Staff had recently attended a development readiness training session sponsored by NPPD and held at the Opportunity Center. He noted that many compliments were received on the efforts of the community on economic development activities.

**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.

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City Clerk