

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 13, 2013, at the Lexington City Hall, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, and Development Services Director Bill Brecks. The press was represented by Lexington Clipper-Herald and Kearney Hub. Dana Daniels, Miller & Associates, and Leeanne Lacey were also present.

**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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 7-23-2013** Minutes of the Regular meeting held Tuesday, July 23, 2013, were presented for Council approval. Moved by Vivas, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$672,105.98 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 \$260,303.04 from the General Fund, \$50,498.12 from Street Fund, \$325,704.50 from LEXUS, \$10,000.00 from Sanitation, \$1,425.50 from Landfill, \$470.32 from Ambulance, \$16,474.17 from Health Fund, and \$7,230.33 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
August 13, 2013

All Points Cooperative	Fuel / Propane / Insecticide / Weed Killer	1,937.11
Annie's Attic Books	Library Book	19.94
Area Services	SW Service	150.00
Associated Supply Company, Inc.	LFAC Supplies	104.65
Assn for Rural & Small Libraries	Library Conference	300.00
Barmore Drug Store	Ambulance Supplies	77.79
BSN Sports, Inc.	Rec Supplies	407.18
Cash-Wa Distributing	GGC/Rec/LFAC/SB Food & Supplies	4,595.27
Central Garage Fund	Fuel	12,500.51
Central Tire & Tread, Inc.	Tire Repair	55.29
Coca Cola/Dr Pepper Bottling Krny	GGC Beverages	40.00
Conney Safety	ST Supplies	414.87
Culligan Water Conditioning Co.	Soft Water Supplies	210.69

Dan's Sanitation	Sanitation Fees	11,718.16
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy Inc.	Fuel	6,774.20
Dawson County Register of Deeds	Filing Fees	104.00
Dawson County Sheriff	Range Fees	300.00
Dawson County Transit Bus	Transportation	50.00
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	233.21
Derrick, Ed	EL Rebate	800.00
Diamond Vogel Paint	PK Supplies	226.54
Downey Drilling, Inc.	Service Wells	1,324.91
Eakes Office Plus	Library Supplies / ST Copies	327.55
Eilers Machine and Welding, Inc.	WWTP Aluminum	2,771.20
Electric Fixture & Supply, Inc.	WWTP / WR Supplies	354.39
Eustis Body Shop	Vehicle Repair	327.00
Exchange Bank	Copier Payoffs	2,900.56
Fagot Refrigeration & Electric, Inc.	WWTP/Muni Bldg/Tyson Sub Svc/Rep	252.48
Fastenal	WR Supplies	160.75
Fischer Scientific	WWTP Supplies	193.93
Forestry Suppliers, Inc.	Police Supplies	115.01
Fox Bros. Hay Company, Inc.	Grinding Service	5,880.00
FYR-TEK, Inc.	Repairs	340.28
Gale Group, The	Library Books	155.39
Hach Company	WWTP Testing Supplies	3,177.52
HD Supply Waterworks	WR Meters / Supplies	98,584.77
Health Claims Fund	Claims	11,798.94
H. O. Smith Company	Purchase Property	5,000.00
HOA Solutions	VFD Installation on Wells 15 & 16	22,134.45
Hoehner Turf	Sprinkler Repair	296.00
Holbein, Dahlas	Lawn Care / Yard Clean-up	540.00
Holiday Inn Express	ST Softball Tournament Umpires Lodging	974.00
HTM Sales, Inc.	Lift Station Pump	9,989.00
In The Swim	LFAC Supplies	2,172.87
Ingram Library Services	Library Books	1,059.95
Intellicom Company	Computer Service	713.69
IOA Re/Cobecon	Health Premium	12,860.43
Jakes Toro Sprinklers	Sprinkler Repair	401.03
JEO Consulting Group, Inc.	Lex Comprehensive Plan	16,053.02
Jones Plumbing & Heating, Inc.	WWTP Supplies	408.78
K R V N Radio	NPPD Coop Ads	166.40
Knapp Electric	WWTP Service	494.35
Kratzer Electric, Inc.	PK Lights	931.32
LeadsOnline	Police Service	1,758.00
Lexington Animal Clinic	Animal care	678.94
Lex Area Solid Waste Agency	Landfill	1,902.80
Lexington Health Fund	Self-Funding	33,007.01
Lexington Newspapers, Inc.	Publication	76.07
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Wellness / Ambulance Supplies	367.00
Lexington, City of	Franchise Fees	112.54
Lexington City Payroll Account		
Payroll	Wages	141,027.24
Social Security	Employer Portion / FICA Med	10,500.25
Union Bank & Trust	Employer Portion / Pension	3,870.54
Union Bank & Trust	Police Pension	1,732.81
ICMA	City Manager Pension	836.93

Lundeen-Isaacson, Inc.	Premium	156.00
Mac's Short Stop	Food & Supplies	388.87
Martin Electric Co.	Fire Dept / LFAC Supplies	100.59
Matheson Tri-Gas Inc.	Ambulance Supplies	76.24
Matt Parrott/Storey Kenworthy	UTL Office Supplies	233.97
Mead Lumber & Rental-Lex	WWTP / PK / Cem Supplies	358.34
Mellen & Associates, Inc.	EL Actuators	5,897.55
Midwest Laboratories, Inc.	Landfill Testing / WWTP Supplies	1,624.05
Miller & Associates	ST Services / East Viaduct PJ	19,050.53
Municipal Automation & Control	WWTP Flow Monitoring	10,792.00
Municipal Supply, Inc. of NE	WWTP / WR Supplies	4,175.18
NASC	GGC Conference Registration	120.00
Nielsen, Sabrina	WR Safety Class Instruction	1,200.00
O'Hara Lindsay & Associates, Inc.	Lobbying Services	833.33
One-Call Concepts	Locates	95.25
Paulsen, Inc.	Concrete	552.89
Platte Valley Communication Krn	LFAC / Fire Dept Repairs	146.25
Presto-X	Fire Dept Service	90.61
Primary Electric, Inc.	WWTP Repair	96.00
Principal	Dental Premium	2,259.58
Rasmussen Mechanical Services	Library Maintenance	1,157.50
Richardson Mowing	Lawn Care	180.00
Roberts Dairy Company	Beverages & Food	562.77
Schwan's Sales Ent	Food	14.30
Service Master Mid Nebraska	Cleaning Service	4,259.47
Source Gas, LLC	Gas Service	1,955.05
Standard Life Insurance Co	Premium	699.63
Subway @ Wal-Mart	Meals	68.50
T & R Service Company	Transformer Disposal	1,500.00
Thalman, Julie	Cleaning Service	160.00
Thompson Co., The	Food & Supplies	2,603.33
Total Lawn Care	Lawn Care	1,125.00
Twin Rivers Testing/Environmental	WWTP Improvements PJ Testing	1,741.00
U-Save Business Equipment	UPS/Muni Bldg/BI/ST/PK/Libr Spl	1,206.48
Unisan Products	PK/LFAC/Rec Supplies	225.86
Village Uniform	GGC Supplies	50.20
Vision Service Plan	Premium	559.37
Wal-Mart	Supplies	608.30
Werner's Sprinklers	Sprinkler Repair	45.00
Wilke's True Value	Cem / PK Supplies	912.56
Zern, Michael	EL Incentive	60.00
Anderson Graphics	Library Service	158.10
Arnold Pool Company	LFAC Supplies	49.45
ASK Supply Co.	ST Supplies	191.88
Bradfield, Rollie	1/2 of Boots	63.75
Cash-Wa Distributing	Food & Supplies	-32.15
Clark, Dan	EL Efficiency Rebate	144.00
Coca Cola/Dr Pepper Bottling Krn	Beverages	78.40
Copper, Michael	Yard Clean-up	175.00
Dan's Sanitation	Sanitation Fees	2,187.84
Data-Pac Mailing Systems	Postage	1,500.00
Dawson Area Development	Admin Fees for 12-TD 004	3,598.00
Dawson Pest Control	DCOC Service	54.60
Dawson Public Power District	Power Purchase	6,749.60
Dawson Public Power District	Install Transformer	13,615.52
Eilers Machine and Welding, Inc.	WWTP Supplies	54.48

Fagot Refrigeration/Electric, Inc.	LFAC Service	65.00
Health Claims Fund	Claims	4,675.23
Hoehner Turf	Sprinkler Parts	282.00
Ingram Library Services	Library Books	81.85
Intellicom Computer Consulting	Computer Service	4,992.15
John Deere Financial	Cem / Central Garage Supplies	1,142.15
Jones Plumbing & Heating, Inc.	LFAC/WR/Muni Bldg Repair/Supplies	576.88
Konica Minolta Business Solutions	Police/Library/Admin Copies	942.41
League of NE Municipalities	Membership Dues	14,059.00
Lexington Newspapers, Inc.	Publications	235.58
Martin Electric Co.	Supplies for Adams 104 Conversion	529.81
Mead Lumber & Rental-Lex	PK / Bldg Insp Supplies	44.52
Meritain Health	Premium	6,748.85
Mid-State Units	Rental	820.00
Morris Press	GGC Supplies	186.00
Nebraska Dept. of Revenue	Sales & Use Tax	56,403.80
Nebraska Power Review Board	Annual Fees	1,504.98
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,286.15
NebraskaLink	City / Library Service	395.00
Plum Creek Market	Food	605.04
Presto-X	Library Service	101.42
Rural Community Insurance Svcs	Crop Insurance	241.00
S & W Auto Parts	WWTP Supplies	51.68
Schmidt, Brooke	Travel Expense	195.49
Schmidt, Cynthia	Travel Expense	195.49
Teresa's Tortilla Bakery	EL Efficiency Rebate	1,560.00
Time	Library Subscription	35.00
Twin Rivers Testing/Environmental	WWTP Improvements PJ Testing	4,803.00
Tyler Technologies, Inc.	Hardware / Software Maintenance	31,365.22

TOTAL CLAIMS: 672,105.98

**PUBLIC COMMENTS:**

Leeann Lacey, Overpasses.org, appeared before the Council to comment on freedom of speech rights.

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider the annexation of the South 240 feet of Tract 2, Wal-Mart Subdivision along with the abutting public right-of-way. Pepplitsch reviewed the issue, and following discussion, the public hearing was closed. Resolution No. 2013-24 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2013-24. Roll call. Voting "aye" were Miller, Robert, Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-24

PORTION OF TRACT 2, WAL-MART SUBDIVISION  
ANNEXATION

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

That the South 240 feet of Tract 2, Wal-Mart Subdivision along with the abutting public Right-of-Way, to the City of Lexington, 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 AUGUST 13, 2013.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Pamela Berke, City Clerk

- TRUCK ROUTES:** Ordinance No. 2334 “AN ORDINANCE TO AMEND SECTION 26 OF THE LEXINGTON CITY CODE; TO CREATE DESIGNATED TRUCK ROUTES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT” was presented for discussion. Peplitsch outlined proposed truck routes within and around the city. Following discussion, no action taken.
- PARKING RESTRICTIONS:** Resolution No. 2013-25 was presented for discussion. Peplitsch outlined parking restrictions that will need to be implemented on Jackson Street from 5<sup>th</sup> to 13<sup>th</sup> Streets following the completion of current and future paving improvement projects. Following discussion, no action was taken.
- PAVING PROJECTS:** Dana Daniels, M&A, reviewed plans and specifications for the 18<sup>th</sup> Street Improvements project, as well as the Heartland Road Improvements project. Following discussion, moved by Miller, seconded by Salem, to approve the plans and specifications as presented and to authorize the solicitation of bids. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.
- PAY REQUEST:** Peplitsch reviewed Pay Request #5 from BRB Contractors, Inc. for the WWTP Improvements project in the amount of \$637,835.38. Following discussion, moved by Salem, seconded by Roberts, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.
- BUDGET FY 2014:** Council and Staff reviewed a draft of the FY2014 budget proposal. Following discussion, no action was taken.
- ROUNDTABLE DISCUSSION:** Burnside gave an update on the Jackson Street Improvement project.
- Miller noted that she will not be in attendance for the September 24 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.

/s/ Pamela Berke  
City Clerk