

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 12, 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, 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, Finance Director Barb Hodges, Chief Building Inspector Bill Brecks and City Clerk Pamela Berke. The press was represented by 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 1-22-2013** Minutes of the Regular meeting held Tuesday, January 22, 2013, were presented for Council approval. Moved by Salem, seconded by Roberts, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

**MINUTES – WORK SESSION 1-26-2013** Minutes of the Work Session held Saturday, January 26, 2013 were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,869,524.68 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 \$204,828.39 from the General Fund, \$111,717.10 from Street Fund, \$1,521,202.75 from LEXUS, \$10,000.00 from Sanitation, \$3,116.14 from Ambulance, \$12,325.19 from Health Fund, and \$6,335.11 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Roberts, Miller, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 12, 2013

All Points Cooperative	Fuel / Propane / Supplies	571.22
Anderson Graphics	Library Service	67.50
Annie's Attic Books	Library Book	19.94
Bamford, Inc.	Fire Dept Service	200.00
Barco Municipal Products, Inc.	Stop Signs	1,138.62
Bauer Underground, Inc.	Adams 102 Conversion Direct Drill	950.00
Better Homes and Gardens	Library Book	35.91
Blue Cross Blue Shield	Ambulance Refund	250.90

Cash-Wa Distributing Co.	DCOC / GGC Food & Supplies	3,278.85
Central Garage Fund	Fuel / Repair / Service	15,453.08
Central Tire & Tread, Inc.	WWTP/CG Tires/Repair/Supplies	2,350.16
Centurion Technologies, Inc.	Library Supplies / Fee	277.20
Conney Safety Products	ST Supplies	375.14
Consolidated Management Co	Police School Meals	60.25
Copper, Michael	Yard Clean-up	60.00
Copycat Printing	Bldg Insp Supplies	159.08
Cozad Services, Inc.	WWTP Supplies	711.87
Culligan Water Conditioning Co.	Soft Water Supplies	201.89
Dan's Sanitation	Sanitation Fees	13,234.96
Data-Pac Mailing System	Postage	1,500.00
Davis Energy, Inc.	Propane / Fuel / Oil	5,609.23
Dawson County Register of Deeds	Filing Fees	62.00
Dawson County Transit Bus	Transportation	40.00
Dawson Pest Control	DCOC / GGC Service	91.35
Dawson Public Power Dist.	Power Purchase	7,442.21
Demco, Inc.	Library Supplies	178.81
Downey Drilling, Inc.	Well #15 Pump Repair	38,914.85
DXP Enterprises, Inc.	WWTP Supplies	329.58
Eakes Office Plus	Library / ST Supplies	172.48
Electric Fixture & Supply	WWTP / EL Supplies	445.24
EMS Billing Services, Inc.	Ambulance Billing Service	773.42
Envisionware, Inc.	Library Maintenance Fee	1,022.43
Fagot Refrigeration & Electric	GGC / WWTP / Well #15 Pump Repair	1,470.20
Fagot, John	EL Rebate	1,900.00
Farmer Brothers Coffee	GGC Food	238.07
Fastenal	WR / SW / WWTP / ST Supplies	161.67
FYR-TEK, Inc.	Fire Dept Supplies	447.62
Gale Group, The	Library Books	120.69
HD Supply Waterworks	WR Supplies	848.28
Health Claims Fund	Claims	12,119.20
Ingram Library Services	Library Books	559.03
Intellicom Computer Consulting	Computer Service	344.01
Island Supply Company, The	ST Supplies - Crack Filler	3,036.00
James, Deb	Seminar Expense	57.50
JCI Industries, Inc.	WWTP Pump	4,550.00
JEO Consulting Group, Inc.	PK Master Plan/Comp Plan Study	19,230.42
Jones Plumbing & Heating, Inc.	Library/SB/FD Rep/WR/WWTP Supplies	657.04
Kearney Hub	Library Subscription	138.25
Lexington Animal Clinic	Animal Care	310.00
Lex Area Chamber of Commerce	Banquet Tickets	60.00
Lex Area Solid Waste Agency	Landfill	572.48
Lexington Glass Co., Inc.	Library Window Repair	3,765.00
Lexington Health Fund	Self-Funding	33,007.01
Lexington Newspapers, Inc.	Publications	514.88
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Wellness	238.00
Lexington Utilities System	Utilities	46,082.61
Lexington Volunteer Fire Dept.	Conference Expense	1,282.50
Lexington, City of	Franchise Fees	11,418.53
Lexington City Payroll Account		
Payroll	Wages	114,164.31
Social Security	Employer Portion / FICA Med	8,415.92
Union Bank & Trust	Employer Portion / Pension	3,806.34
Union Bank & Trust	Police Pension	1,873.70
ICMA	City Manager Pension	470.77

Linda's Stitches and Creations	ST Uniform Expense	151.20
Luther, Ann	Seminar Expense	180.35
Mac's Short Stop	GGC Food	18.48
Madeline's Café & Bakery	Food	20.25
Mead Lumber & Rental-Lex	ST/ PK / WWTP / Cem Supplies	283.70
Meridian Library System	Library Workshops	30.00
Meritain Health	Premium	19,870.59
Mid-American Research Chemical	WWTP / PK / ST Supplies	998.79
Midland Scientific, Inc.	WWTP Testing Supplies	559.42
Miller & Associates, Inc.	So UTL Improv/Comm Rd Pvg/SE Sub	67,688.44
Mins, Jay	EL Rebate	925.00
Morris Press	GGC Supplies	136.00
Mr. Automotive	Fire Dept Supplies	31.68
Municipal Supply	WR Supplies	4,633.01
NE Assoc Co Engineers, Hwy. Super, Surv	Membership Dues	20.00
Nebraska DEQ	WWTP Certificate Renewal	150.00
Nebraska Machinery	Central Garage Supplies	976.21
Nebraska Public Power District	O & M	47,132.70
Nebraska Public Power District	MS/Adams 102 Conv/ Lights- 17 <sup>th</sup> /Wash	26,557.80
NebraskaLink	Internet Service	395.00
OCLC, Inc.	Library Subscription	28.50
One Call Concepts, Inc.	Locates	49.25
Oprah Magazine, The	Library Subscription	32.97
Overton Sand & Gravel	Fill Sand	858.70
Paulsen, Inc.	Concrete	189.38
Plum Creek Market Place	GGC Food	82.57
Plum Creek Motors, Inc.	Central Garage Supplies	176.36
Pochop, Michael/JAZMat Enterprises	Central Garage Supplies	30.00
Principal	Dental Premium	2,415.17
R. C. Booth Enterprises	Library Book	28.50
Randy's Body Shop	Towing Expense	100.00
Refior, Cheryl	Uniform Expense	36.00
Roberts Dairy Company	Food & Beverages	516.63
S & W Auto Parts, Inc.	Central Garage/WWTP/Fire Dept Supplies	177.96
Sands, Audra	Ambulance Refund	82.76
Scholastic Library Publishing	Library Books	152.10
Secretary of State Main ST Program	Filing Fee	20.00
Service Master Mid Nebraska	Cleaning Service	4,192.87
Source Gas, LLC	Gas Service	9,671.30
ST Ann's Church	EL Rebate	900.00
Standard Life Insurance Co	Premium	662.24
Statewide Collections LLC	Collection Fees	710.76
Subway @ Wal-Mart	Meals	73.95
T & R Service	Transformer Disposal	2,070.00
Team Detail & Quicklube	Car Washes / Uniform Expense	66.00
Thalman, Julie	Cleaning Service	200.00
Thompson Co., The	GGC Food & Supplies	2,241.99
Tools Renewed, Inc.	Central Garage Supplies	112.77
Tri-City Tribune	Publications	198.00
Tyler Technologies, Inc.	Maintenance Fees	1,127.00
U-Save Business Equipment	Postage/UPS /ST/Business/Bldg Insp Spls	1,480.98
Village Uniform	GGC Supplies	251.90
Vision Internet Providers, Inc.	Monthly Hosting Fee	220.50
VSP / Vision Service Plan	Premium	591.72
Wal-Mart	Supplies	691.82

Cash-Wa Distributing Co.	Food	92.86
Central Garage Fund	Repairs / Service	6,574.68
Central Tire & Tread, Inc.	Central Garage Repair / Supplies	48.00
Certified Laboratories	Central Garage Oil / Cleaner	918.45
Dawson Area Development	BECA Grant Services	10,941.00
Dugan Business Forms	Business Office Supplies	300.15
Eilers Machine & Welding, Inc.	Central Garage Supplies	54.46
Electric Fixture & Supply	DTR Light Fixtures	19,152.50
EZ Street Company, The	ST Cold Patch	1,119.44
Fagot Refrigeration & Electric	Library / DCOC Repair	207.61
Garden Lawn & Landscaping	Yard Clean-up	880.00
Gempler's, Inc.	PK Supplies	425.05
Hach Company	WWTP Testing Supplies	3,026.95
HD Supply Waterworks	EL / WR Software & Hardware	91,966.50
Health Claims Fund	Claims	205.99
Ingram Library Services	Library Books	100.70
Konica Minolta Business Solutions	City / Police / Library Copies	852.99
Lex Area Chamber of Commerce	Banquet Tickets	90.00
Lexington Newspapers, Inc.	Publications	242.28
Mead Lumber & Rental-Lexington	PK / Central Garage Supplies	78.93
Mid-State Units	Rental	125.00
Moore Medical LLC	Ambulance Supplies	497.70
Nebraska Dept. of Revenue	Sales & Use Tax	65,115.76
Nebraska Machinery	Central Garage Supplies	133.22
Nebraska Public Power District	Power Purchase	1,094,473.85
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,099.06
Paulsen, Inc.	Concrete	330.36
People Books	Library Book	41.90
Platte Valley Auto Mart, Inc.	Central Garage Supplies	29.63
Plum Creek Cleaners	Rug Service	407.50
Regional Books, Inc.	Books	66.92
Roberts Dairy Company	Beverages	64.26
Roberts, Shane	Bldg Insp Supplies	70.00
S & W Auto Parts, Inc.	Central Garage Supplies	355.29
Service Master Mid Nebraska	Cleaning Service	78.75
Subway @ Walmart	Meals	81.50
Thompson Co., The	Supplies	-54.46
Wal-Mart	Supplies	127.43
	<b>TOTAL CLAIMS:</b>	<b>1,869,524.68</b>

**ORDINANCE:**

Ordinance No. 2325 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTIONS 18-19 AND 18-20 OF THE LEXINGTON CITY CODE TO CORRECT REFERENCES TO CITY SALES TAX; TO REPEAL ORIGINAL SECTIONS 18-19 AND 18-20, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented on second reading. Following discussion, moved by Salem, seconded 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. 2325 was presented on final reading. Moved by Salem, seconded by Roberts to approve Ordinance No. 2325 on final reading. Roll call. Voting “aye” were Miller, Roberts, Salem, Fagot. Motion carried.

**ORDINANCE:**

Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. Peplitsch noted that due process has been followed in notifying property owners regarding the abatement notices. As there were no public comments regarding the abatements, the public hearing was closed. Ordinance No. 2326 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 for Council consideration. Moved by Miller, seconded by Salem, to suspend the rules regarding the reading of ordinances on three separate occasions. Roll call. Voting "aye" were Roberts, Salem, Miller, Fagot. Motion carried.

Ordinance No. 2326 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2326 on final reading. Roll call. Voting "aye" were Roberts, Salem, Miller, Fagot. Motion carried.

**MOU:**

Peplitsch reviewed a Memorandum of Understanding with the Lexington Public School District regarding CDBG funding. He explained that the City would act as a sponsor and conduit for funding to assist the Majestic Theatre Renovation project. Following discussion, moved by Miller, seconded by Roberts, to approve the MOU as presented and to authorize the City Manager to execute any necessary documents. Roll call. Voting "aye" were Salem, Roberts, Miller, Fagot. Motion carried.

**RESOLUTION:**

Peplitsch presented a resolution to establish and reaffirm certain speed limits. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2013-01 as presented. Roll call. Voting "aye" were Roberts, Miller, Salem, Fagot. Motion carried.

**RESOLUTION NO 2013-01**

Whereas, Nebraska Revised Statutes Section 60-6,190 gives the City Council authority to determine speed limits for streets and highways within the corporate limits.

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

That speed limits for streets and highways within the corporate limits of the City of Lexington, Nebraska, shall be twenty-five miles per hour, except as specifically hereinafter provided:

- (a) The speed limit shall be thirty miles per hour on the following streets or parts of streets:
  - Plum Creek Parkway and Jackson Street, Maple Street to Fifth Street
  - Fifth Street, Grant Street to Jefferson Street
  - Grant Street, Fifth Street to Pacific Avenue
  - Jefferson Street, Pacific Avenue to Fifth Street
  
- (b) The speed limit shall be thirty-five miles per hour on the following streets or parts of streets:
  - Adams Street, from Cattlemen Drive to the City Limits north of Cherokee Road

- Pacific Avenue, 700 feet East of Monroe Street to 600 feet West of Adams Street
  - Taft Street, Pacific Avenue to 13th Street
  - West Walnut Street, Adams Street West to the City Limits
  - East Walnut Street, Plum Creek Parkway East to the City Limits
  - Cattlemen Drive, Adams Street to Plum Creek Parkway
  - East Industry Drive, Walnut Street to Prospect Road
  - Prospect Road, Plum Creek Parkway West to the City Limits
  - Prospect Road, Plum Creek parkway East to Taft Street
  - Airport Road, Pacific Avenue to North City Limits
  - Taft Street from Prospect Road to Frontier Street
- (c) The speed limit shall be forty miles per hour on the following streets or parts of streets:
- Plum Creek Parkway, Maple to 550' South of Sagebrush Lane
- d) The speed limit shall be forty-five miles per hour on the following streets or parts of streets:
- Pacific Avenue, East City Limits to 700 feet East of Monroe Street
  - Pacific Avenue, 600 feet West of Adams to West City Limits
  - Plum Creek Parkway, 550' South of Sagebrush Lane to South City Limits
- (e) The speed limit shall be 15 miles per hour in the school zone on the following streets or parts of streets, while flashing lights are in operation:
- Walnut Street, Lincoln Street to Madison Street
  - West 13th Street, from the alley one-half block east of Harrison Street to the alley one-half block west of Harrison Street
  - East 13th Street, from Tyler Street to Jefferson Street
  - West 10th Street from Taylor Street to one-half block east of Harrison Street

Passed and approved February 12, 2013.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**RESOLUTION:**

Pepplitsch presented a resolution authorizing the reconfiguration of stop signs at the intersection of Walnut and Washington Streets, to stop north/south bound traffic on Washington Street rather than east/west traffic on Walnut Street. Following discussion, there was no action taken so that Council could further review and receive citizen input.

**RESOLUTION:**

Resolution 2013-03 was presented. Pepplitsch explained that this resolution authorizes fees for fire and rescue services as required by state statute. Following discussion, moved by Miller, seconded by Roberts, to approve

Resolution No. 2013-03 as presented. Roll call. Voting "aye" were Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION 2013- 03

WHEREAS, the City of Lexington, Nebraska and the Lexington Volunteer Fire Department have by Resolution 03-15, authorized and established a plan to charge and collect fees for the performance of fire and rescue services, and for the use of fire and rescue equipment; and

WHEREAS, it is in the best interest of the City of Lexington, Nebraska and the Lexington Volunteer Fire Department to continue the established plan;

BE IT THEREFORE RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that the established plan for charge and collection of fees for fire and rescue services, and for the use of fire and rescue equipment of the Lexington Volunteer Fire Department is hereby authorized to continue for an additional twelve month period.

BE IT FURTHER RESOLVED, that effective February 1, 2013, the fees collected for such service shall be according to the schedule attached hereto.

Passed and approved February 12, 2013.

John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**WORK SESSION:**

Following discussion, moved by Salem, seconded by Roberts, to schedule a Council work session for Saturday, March 2, 2013, at 8:00 a.m. in the Council Chambers at City Hall. Roll call. Voting "aye" were Miller, Roberts, Salem, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:**

Pepplitsch reminded Council and Staff of the League of Nebraska Municipalities Mid-Winter Conference in Lincoln on February 25 and 26. He also noted that a pre-construction meeting for the WWTP Improvement project will be scheduled soon.

Burnside noted that new banners for the downtown area will be installed within the week.

**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