

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 13, 2010, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor 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, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and the Kearney Hub. Also in attendance were Derek Mitchell, Juan Rodriguez, and Leo Marin.

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 3-23-10 Minutes of the Regular meeting held Tuesday, March 23, 2010, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,304,457.76 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$260,754.79 from the General Fund, \$4,042.50 from ED Reuse, \$997,382.92 from LEXUS, \$10,352.00 from Sanitation, \$6,359.21 from Ambulance Fund, \$20,001.69 from Health Fund, and \$5,564.65 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 13, 2010

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| AFLAC | Premium | 1,114.18 |
| All Points Cooperative | Fuel | 90.45 |
| American Red Cross-Ft. Kearney Chapter | Lifeguarding Class | 200.00 |
| Anderson Graphics | Lib Supplies | 67.15 |
| Associated Pool Builders, Inc. | Clean Pool | 2,550.00 |
| Axis Capital, Inc. | Mail Machine Pmt | 527.37 |
| B & D Office City | Police Supplies | 76.68 |
| Baker, Jerry | Book | 37.75 |
| Barco Municipal Products | ST / WWTP Supplies | 133.59 |
| Barmore Drug Store, Inc. | Ambulance Supplies | 64.06 |
| Beringer Ciaccio Dennell Mabrey | D C Opportunity Center-Phase II | 10,025.03 |

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| Better Containers Mfg. Co., Inc. | Lib Supplies | 135.42 |
| Bob's Auto Repair & Service | Central Garage Supplies & Repair | 97.45 |
| C & S Truck & Salvage, Inc. | Central Garage Supplies | 70.50 |
| Card Center/Orscheln | ST / Fire Dept / WWTP Supplies | 698.40 |
| Case Credit Advantage | WWTP Supplies | 20.59 |
| Cash-Wa Distributing | Food / Supplies | 1,512.32 |
| Central Garage Fund | Fuel / Service / Repairs | 18,714.28 |
| Central Tire & Tread | Repair | 12.50 |
| Cook, Julia | Books | 103.60 |
| Cornhusker Energy, LLC | EL Incentive Program | 7,500.00 |
| Culligan Water Conditioning Co. | Soft Water Supplies | 190.50 |
| Dan's Sanitation | Sanitation Fees | 12,785.00 |
| Davis Energy, Inc. | Fuel | 4,132.56 |
| Dawson County Handibus | Transportation | 36.00 |
| Dawson County Register of Deeds | Fees | 10.50 |
| Dawson Pest Control | GGC Service | 35.00 |
| Dawson Public Power District | Power Purchase | 6,554.63 |
| Dell Marketing L P | GGC / Admin Computers | 1,837.52 |
| Diamond Sales | Books | 188.85 |
| Diamond Vogel Paint | PK Supplies | 560.00 |
| Eakes Office Plus | Lib Supplies | 159.94 |
| Eilers Machine & Welding | WWTP Supplies | 24.00 |
| Electric Fixture & Supply | PK/EL/Municipal Bldg Supplies | 3,603.75 |
| EMS Billing Services, Inc. | Ambulance Service | 1,668.79 |
| Fagot Refrigeration & Electric | GGC/WR/Fire/PK Supp/Rpr/Serv | 2,291.56 |
| Farmer Brothers Coffee | Food & Supplies | 316.14 |
| Fastenal | WWTP / Fire Dept Supplies | 215.86 |
| Fed Ex | Shipping Charges | 71.01 |
| Fox Bros. Hay Co., Inc. | Tree Grinding | 5,176.25 |
| G & V Inc. | Haul Debris / Sludge Removal | 3,480.00 |
| Gale Group, The | Books | 47.18 |
| General Binding Corporation | Lib Supplies | 182.82 |
| Gould, Stanley E. | Soccer Field Bldg | 180.00 |
| Great Plains One-Call Services, Inc. | Locates | 78.42 |
| Health Claims Fund | Claims | 15,847.08 |
| Holbein, Dahlas D. | Lawn Service | 115.00 |
| Ingram Library Services | Books | 1,735.31 |
| Jones Plumbing & Heating | WR / SW Supplies | 746.21 |
| Knapp Electric, Inc. | WWTP Repair | 1,199.68 |
| Landmark Implement, Inc. | WWTP/CG Supplies/Mower | 11,272.22 |
| Lexington Animal Clinic | Animal Care | 1,143.80 |
| Lexington Area Solid Waste Agency | Landfill | 1,660.32 |
| Lexington Health Fund | Self Funding | 31,503.37 |
| Lexington Newspapers, Inc. | Publications | 1,727.18 |
| Lexington Postmaster | Postage | 150.00 |
| Lexington Volunteer Fire Dept. | Ambulance Fees | 3,225.37 |
| Lexington, City of | Franchise | 83.14 |
| Payroll | Wages | 99,394.72 |
| Social Security | Employer Portion / FICA Med | 7,292.56 |
| First National Bank | Employer Portion / Pension | 3,185.84 |
| First National Bank | Police Pension | 1,607.94 |
| ICMA | City Manager Pension | 414.23 |
| Linda's Stitches & Creations | WWTP / WR / ST / PK T-Shirts | 697.96 |
| Linweld | Ambulance Supplies | 105.95 |
| Martin's Flag Company | Lib Supplies | 115.26 |
| McCookNet Internet Service | Service | 139.00 |
| Mead Lumber | Fire /Bldg Insp/WWTP/ Rec Spls | 197.99 |

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| Meritain Health | Premium | 20,661.42 |
| Micromarketing, LLC | Books | 718.18 |
| Mid-State Engineering & Testing | Rec Complex Soccer Field Conc. | 164.00 |
| Miller & Associates | Ash-Jefferson St Improvements | 185.00 |
| Morris Press | GGC Supplies | 73.00 |
| Mr. Automotive | Fire/Central Garage Supplies | 36.39 |
| Municipal Automation & Control | WWTP Pump | 2,256.40 |
| Nebraska Dept. of Economic Development | Orthman's CDBG Pmt | 4,042.50 |
| Nebraska Law Enforcement | Training Center Testing | 48.00 |
| Nebraska Machinery | Central Garage Supplies | 133.82 |
| Nebraska Municipal Power Pool | Membership Dues | 2,271.93 |
| Nebraska Public Power District | O & M | 65,500.00 |
| Nebraska Public Power District | Power Purchase | 771,826.46 |
| Nebraska Tech & Telecomm, Inc. | Telephone Service | 1,268.53 |
| Nebraska Truck & Equipment Co. | Central Garage Supplies | 36.40 |
| Nebraska Waste Handlers | Sludge Removal | 4,964.00 |
| Nebraskaland Tire | Fire Dept Tires | 571.32 |
| Neopost | Postage | 1,500.00 |
| NTV | Annual Storm WR Ads | 6,760.00 |
| Overton Sand & Gravel | Road Gravel / Crushed Concrete | 3,308.74 |
| Oxmoor House | Book | 26.91 |
| Paulsen, Inc. | Concrete / Road Gravel | 1,656.29 |
| Peak Interests LLC | Food | 73.67 |
| Pepplitsch, Joe | Conference | 48.79 |
| Physio-Control, Inc. | Ambulance Supplies | 444.00 |
| Pinnacle Agency, The | Premium Adjustment | 8,564.00 |
| Platte Valley Auto Mart | Vehicle Repair | 170.94 |
| Platte Valley Communication of Kearney | Maint / Repair / Police Car Radios | 1,715.40 |
| Plum Creek Market Place | Food | 18.19 |
| Quality Inn & Suites | Conference | 304.75 |
| Roberts Dairy Company | Beverages / Food | 362.73 |
| S & L Inc. | Central Garage Supplies | 693.85 |
| S & W Auto Parts | Central Garage Supplies | 1,062.32 |
| Sands, Jean A. | Cemetery Space Refund | 200.00 |
| Sargent Drilling Co. | WR Motor Repair | 5,082.54 |
| Service Master Mid Nebraska | Cleaning Service | 189.12 |
| Sign Pro | Window Signs | 287.00 |
| Source Gas, LLC | Gas Service | 8,048.16 |
| Statewide Collections, LLC | Collection Fees | 326.58 |
| Stryker Sales Corporation | Ambulance Supplies | 417.95 |
| T. O. Haas Tire Co., Inc. | Tires / Repair | 372.77 |
| Taste of Home Books | Book | 29.98 |
| Team Detail & Quicklube | Uniform Expense / Car Washes | 148.96 |
| Thompson Co., The | Food & Supplies | 1,216.98 |
| Tnemec Company, Inc. | Aquatic Center Paint | 5,636.12 |
| Tri-City Tribune | Publication | 312.00 |
| Tri-County Hospital | Wellness / Ambulance Supplies | 500.50 |
| Tyler Technologies, Inc. | Software | 1,100.00 |
| U-Save Business Equipment | Postage/Police/Bldg Insp/GGC Spl | 1,087.04 |
| Vision Internet Providers, Inc. | Website Design Pmt | 9,957.50 |
| Wal-Mart | Supplies | 631.70 |
| Western Engineering Company, Inc. | ST Supplies | 824.60 |
| Bibliographical Center for Research | Subscription | 25.62 |
| Business Office Systems, Inc. | Police / Lib Supplies | 31.94 |
| Card Center/Orscheln | ST Supplies | 69.99 |
| Case Credit Advantage | Central Garage Supplies | 270.62 |
| Central Garage Fund | Service / Repair | 1,689.61 |

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| Child's World, The | Books | 75.80 |
| Contryman Associates, P. C. | Audit Fees | 23,600.00 |
| Davis Energy, Inc. | Propane | 3,846.82 |
| Deanda, Danial | EL Rebate | 1,175.00 |
| Demco | Lib Supplies | 584.82 |
| Diamond Vogel Paint | Paint | 3,334.00 |
| Eakes Office Plus | Lib Supplies | 39.99 |
| Fagot, David | EL Rebates | 400.00 |
| Health Claims Fund | Claims | 3,040.43 |
| Hygienic Laboratory | WR Testing | 5,460.00 |
| Johnson Service Company | SW Service | 600.00 |
| Lexington Newspapers, Inc. | Publication | 7.77 |
| Lexington Truck & Auto, Inc. | Central Garage Supplies | 25.00 |
| Mead Lumber & Rental-Lexington | WR / Municipal Bldg Supplies | 58.17 |
| MicroMarketing, LLC | Book | 22.98 |
| Mr. Automotive | ST Supplies | 73.54 |
| Naumann, Sondra | Cleaning Service | 224.00 |
| Nebraska Department of Revenue | Sales & Use Tax | 48,340.43 |
| NLA Public Library and Trustee Section | Conference | 20.00 |
| Office Depot | Lib Supplies | 52.07 |
| Plum Creek Market Place | Food & Supplies | 63.45 |
| Roberts Dairy Company | Beverages & Food | 106.02 |
| S & W Auto Parts, Inc. | WR/PK/CG Supplies | 350.03 |
| Schultz, Gary | EL Rebate | 1,050.00 |
| Team Detail & Quicklube | Uniform Expense | 37.50 |
| Thompson Co., The | Food & Supplies | 511.64 |
| U-Save Business Equipment | ST Supplies | 23.58 |
| Wal-Mart | Supplies | 271.78 |
| | TOTAL CLAIMS: | 1,304,457.76 |

PUBLIC HEARING:

Mayor Fagot opened a public hearing tabled from the March 23rd council meeting regarding the addition of space to the existing liquor license for Rodriguez Restaurante, Inc. dba Premier Night Club, to encompass the entire building. Derek Mitchell reviewed supplemental information including past building lease agreements and plans for operation of the facility. Fagot questioned if permits for any renovations had been obtained. Mitchell reported that there are no renovations being done at this time, just general clean-up and maintenance. He stated that the business owners were under the impression that the liquor license covered the entire building. He noted that they had submitted paperwork to extend the license in 2007 and believed the east portion of the building was covered. It was only recently discovered that the license did not cover that portion. The public hearing was closed. Following discussion, moved by Tomasek, seconded by Miller, to recommend approval of the addition application as presented. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

RENTAL AGREEMENT:

Pepplitsch reviewed a rental agreement with the Lexington School District for a portion of the Opportunity Center. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Manager to enter into a rental agreement with the Lexington School District #1 for the Opportunity Center. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

SUBDIVISION:

Peplitsch presented the final plat of the CED Second Addition, a proposed subdivision in the southwest area of town. He noted that the plat had been reviewed by the Planning Commission, who recommended Council approval. Following discussion, Resolution No. 2010-10 was presented. Moved by Miller, seconded by Tomasek, to approve Resolution No. 2010-10 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2010-10

CED SECOND ADDITION

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

The plat of CED SECOND ADDITION, an addition to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 13TH day of April, 2010.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PAY REQUEST:

Peplitsch requested approval of Pay Request #2 for the Municipal Building Remodel project from Paulsen Inc. in the amount of \$36,022.50. Following a project update, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

APPOINTMENT:

Mayor Fagot proposed the appointment of Seth McFarland to the Planning Commission, to fill a vacant position. Following discussion, moved by Tomasek, seconded by Miller, to approve the appointment of Seth McFarland to the Planning Commission to fill the vacant position. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Miller, seconded by Tomasek, to enter Executive Session at 6:20 p.m. to evaluate the annual job performance of the City Manager. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

Moved by Miller, seconded by Bennett, to retire from Executive Session and return to Open Session at 7:02 p.m. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch reviewed several current projects. He noted that Walmart desires renting vacant space in the Opportunity Center for a 90 day period to warehouse materials during their new store renovation project; he would provide more details when available.

Burnside reported that work continues on the Downtown Revitalization Study and information related to the project will be presented at an upcoming Council meeting.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Pamela Berke
Deputy City Clerk

I, the undersigned Deputy 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.

Deputy City Clerk