

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 26, 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 Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and the Kearney Hub. Also in attendance were Dana Daniels of Miller & Associates, Susan Bennett and John Whittington.

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 1-12-10 Minutes of the Regular meeting held Tuesday, January 12, 2010, were presented for Council approval. Moved by Tomasek, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

MINUTES – PLANNING SESSION 1-16-10 Minutes of the Planning Session held Saturday, January 16, 2010, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$515,306.29 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$188,527.34 from the General Fund, \$4,042.50 from ED Reuse, \$267,925.02 from LEXUS, \$27,027.08 from Sanitation, \$2,000.00 from Landfill, \$4,905.47 from Ambulance Fund, \$17,079.93 from Health Fund, and \$3,798.95 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
January 26, 2010**

AFLAC	Premium	1,114.18
American Library Association	Membership Dues	180.00
Awards Plus	Fire Supplies	32.00
Baird Holm LLP	Professional Services	150.00
Barmore Drug Store, Inc.	Supplies	49.99
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center-Phase 2	7,601.40

Berry, Bo	Conference	44.01
Bibliographical Center/Research	Subscription	26.05
Bob's Auto Repair & Service	Repair	90.00
Boys Town Press	Books	283.02
Business Office Systems, Inc.	Lib Supplies	10.25
Card Center/Orscheln	PK / ST / Fire Supplies	213.17
Case Credit Advantage	Repair	118.37
Catering By Design Books	Book	23.25
Center for Applied Linguistics	Books	95.00
Central Garage Fund	Service / Repair	15,453.88
Dan's Sanitation	Sanitation Fees	1,080.00
Dawson County Court	Court Fees	41.75
Dawson Tire Service, Inc.	Central Garage Supplies	250.00
Dell Marketing L P	Computers	3,124.16
Demco	Lib Supplies	55.98
Eakes Office Plus	Lib Supplies	28.38
EMS Billing Services, Inc.	Ambulance Service	1,408.57
Envision Ware	Lib Service	1,002.15
Fastenal SW	Supplies	19.53
Fire-Extrication-Hazmat Billing	Fire Equip Billing Fee	50.00
Fisher Scientific	WWTP Supplies	188.40
Fred Pryor Seminars	Seminar	199.00
Gale Group, The	Books	136.32
GeoStat Environmental, LLC	Landfill Groundwater Analysis	2,000.00
HD Supply Waterworks	Meters / WR Supplies	1,950.19
Health Claims Fund	Claims	13,808.22
Holbein, Dahlas D.	Maint & Cleaning	1,000.00
Ingram Library Services	Books	947.35
Jim Phillips Const.	ST / Sidewalk Repair	2,797.30
Lab Safety Supply	Fire Dept Supplies	236.43
Lerner Publishing Group	Books	108.93
Lexington Newspapers, Inc.	Publications	256.54
Lexington Volunteer Fire Dept	Ambulance Fees	2,197.59
Lexington, City of	Service Fees	54,857.75
Lincoln Journal Star	Subscription	163.28
Linweld Ambulance	Supplies	41.95
Madeline's Café	Food	16.95
Mead Lumber & Rental-Lexington	ST / Central Garage Supplies	53.27
Menards-Kearney	Lib Supplies	29.99
Mid-American Research Chemical	ST / Aquatic Center Supplies	251.57
Miller & Associates	Retainer Service	800.00
Mr. Automotive	Central Garage Supplies	42.20
Municipal Supply	WR Supplies	190.94
NE Pub Health Environmental Lab	WR Testing	280.00
NE Assn Co Engineers/Hwy Super/Surv	Membership Dues	20.00
Nebraska Library Association	Conference / Dues / Supplies	363.40
Nebraska Machinery	Grader Repair / Shop Supplies	8,101.59
Nebraska Public Power District	O & M	65,500.00
Nebraska Recreation & Park Assn	Membership Dues	50.00
Neopost	Postage	1,500.00
Overton Community Center	Meals on Wheels	100.00
Peak Interests LLC	Food	37.89
People	Subscription	116.07
Platte Valley Auto Mart	Repair / Service	137.93
Plum Creek Cleaners	Supplies	222.00
Reiman Publications	Subscription	19.97
Repcos Marketing, Inc.	Police Supplies	35.75

Rockmount Research/Alloys Inc	Central Garage Supplies	1,029.16
Rodale	Books	77.88
S & W Auto Parts	Central Garage Supplies	665.10
Service Master Mid Nebraska	GGC / Lib Cleaning Service	2,950.00
Sirchie Finger Print Lab	Police Supplies	154.86
Subway Sandwiches & Salads	Food	39.86
Superior Signals, Inc.	Central Garage Supplies	466.50
TASC	Fees	189.15
Technical Maintenance & Service	WWTP	6,952.00
Terryberry	Service Awards	949.38
Thomas Bouregy & Company, Inc.	Books	139.50
TierOne-Lib. Petty Cash	Postage / Books / Petty Cash	138.15
Tri-County Hospital	Ambulance Refund	1,000.00
U-Save Business Equipment	Police / Lib / EL Supplies / Postage	351.03
Vet's Club Steakhouse	Awards Banquet	1,507.00
Video Aided Instruction, Inc.	Video Books	1,122.52
Wal-Mart	Supplies	360.43
Ziebell, Don	Awards Banquet	75.00
Arctic Refrigeration Co.	GGC Repair	419.70
B & D Office City	Police Supplies	37.74
Brecks, Bill	Seminar	90.00
Business Card	Repair Parts/Awards Banquet Spls	555.21
Card Center	ST / Municipal Bldg Supplies	120.81
Cash-Wa Distributing	Food & Supplies	980.04
Central Tire & Tread	WWTP Tires / Repair	2,899.52
CocaCola/Dr Pepper Bottling Krny	Beverages	50.00
D & R Computing	GGC / Rec Service / Supplies	287.99
Dan's Sanitation	Sanitation Fees	27,027.08
Davis, Susan	Book	13.00
Dutton-Lainson Company	Bldg Inspection Supplies	35.00
Fagot, Clayton	EL Rebate	1,050.00
FYR-TEK	Fire Supplies	909.65
Health Claims Fund	Claims	1,968.38
Jim Phillips Const.	Sidewalk Repair	5,970.00
Kearney Hub	Subscription	126.50
Kratzer Electric, Inc.	EL Warehouse Repair	2,866.01
League of Nebraska Municipalities	Conference	2,528.00
Lexington Health Fund	Self-Funding	32,464.01
Lexington, City of	Franchise	66,073.93
Payroll	Wages	97,633.38
Social Security	Employer Portion / FICA Med	7,158.32
First National Bank	Employer Portion / Pension	3,167.51
First National Bank	Police Pension	1,534.49
ICMA	City Manager Pension	414.23
Lexington Utilities System	Utilities	41,505.49
Matt Parrott and Sons Co.	Office Supplies	216.60
Mead Lumber & Rental-Lexington	Supplies	4.99
Mid-Nebraska Food Bank	Food & Supplies	42.38
Naumann, Sondra	Cleaning Service / Supplies	110.00
NE Dpt Economic Development	Orthman's CDBG Pmt	4,042.50
Roberts Dairy Company	Beverages / Food	197.71
Schultz, Edna	Awards Banquet Supplies	10.67
Thompson Co., The	Food & Supplies	389.69
TierOne-City Petty Cash	Food / Postage / Supplies	143.69
U-Save Business Equipment	GGC Supplies	70.74
UNO NE Certified Public Mgr Prgrm	Tuition	2,500.00
Verizon Wireless	Cellphone Service	162.03

Wal-Mart	Supplies	57.92
	TOTAL CLAIMS:	515,306.29

ORDINANCE: An Ordinance entitled “AN ORDINANCE TO ESTABLISH STORM WATER MANAGEMENT REGULATIONS AS CHAPTER 15 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL CHAPTER 15 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 read. Peplitsch reviewed the ordinance. Following discussion, moved by Salem, seconded by Miller, to approve the ordinance on first reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

DTR STUDY: Burnside reported that the Downtown Revitalization Task Force had completed the solicitation and review of proposals for consulting services to complete a Phase I study under the Downtown Revitalization Grant Program. Following interviews with short listed firms, the task force recommends contracting with RDG Planning & Design for the Phase I study. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Manager to execute contract documents with RDG Planning & Design for the DTR Phase 1 Study, in the amount of \$36,000. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

1 & 6 YEAR STREET PLAN: Daniels reviewed a draft of the 2010 1&6 Year Street Improvement Plan. Following discussion, no action was taken. Peplitsch noted that the plan will be reviewed by the Planning Commission for comment, and a public hearing will be scheduled by February 23rd for formal consideration by the Council.

TRAIL PROJECT: Daniels presented close out documents for the Lexington Pedestrian Trail Project. Following review of several change orders, moved by Tomasek, seconded by Salem, to approve Change Orders #4, #5, and #6 for the project as presented. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

Daniels reviewed a Pay Request #10 (Final) from Cement Product Inc for the project in the amount of \$102,438.03. Peplitsch indicated that as the project ran substantially past the contract completion date, it would be appropriate to consider liquidated damages. He noted that preliminary staff estimates could recommend damages near \$48,600.00; a final report of time overruns is pending. Following discussion, moved by Miller, seconded by Tomasek, to approve the pay request as presented, and “withhold \$48,600.00, pending final determination of an amount for liquidated damages. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

Daniels presented a certificate of substantial completion for the project. He noted that the final date of construction according to staff records is October 13, 2009. Following discussion, moved by Salem, seconded by Tomasek, to approve the certificate of substantial completion, noting the completion date approved is October 13, 2009. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

OPPORTUNITY CENTER: Peplitsch requested Council consideration of Pay Request #4 from Paulsen Inc for the Dawson County Opportunity Center in the amount of \$142,006.50. He gave an update of the project. Following discussion,

moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch reviewed a financial report for December 2009. Following discussion, moved by Tomasek, seconded by Miller, to accept the financial report as presented. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch reported that the renovations for the municipal building have begun with city crews performing minor demolition work, the general contractor is scheduled to being in mid February. He also gave updates on several current projects.

Burnside reported on the timing of the current police officer hiring process. He stated that Downtown Revitalization Study process could begin as early as January 28th, as the deadline for completion is April 30th.

Weinhold reported that 37 applications for abandoned vehicle titles have been received by his office this week which indicates the property maintenance process is working.

Fagot inquired about the timing of assessment process for the recent gap paving on 17th Street. Fagot also congratulated Council and Staff on being proactive on electric system capital upgrades which recently averted a potentially major outage for business and residential customers.

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