

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 8, 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, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub. Also in attendance were Dana Daniels, Deb Jensen, Karina and Johnathon Lupercio, and Derek Mitchell.

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 5-25-10 Minutes of the Regular meeting held Tuesday, May 25, 2010, were presented for Council approval. Moved by Bennett, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$879,234.62 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$439,117.87 from the General Fund, \$5,150.00 from TIF, \$356,823.50 from LEXUS, \$60,000.00 from Sanitation, \$1,864.05 from Ambulance Fund, \$11,788.28 from Health Fund, and \$4,490.92 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
June 8, 2010

Ace Irrigation and Mfg. Co.	Culverts & Ends	8,857.10
Alamar Uniform Co.	Uniform Expense	111.51
All Points Cooperative	Fuel / Fertilizer / Weed Killer	4,496.13
Arnold Pool Company	Aquatic Center Supplies	378.49
Associated Supply Company, Inc.	Aquatic Center Supplies	1,321.37
Axis Capital, Inc.	Mail Machine Pmt	527.37
Barco Municipal Products	ST Supplies	148.58
Barmore Drug Store, Inc.	Lib Supplies	34.99
Business Management Daily	Subscription	307.00
Business Office Systems, Inc.	Copies / Supplies	965.05
Card Center/Orscheln	ST Supplies	34.65
Case Credit Advantage	Central Garage Supplies	13.95

Cash-Wa Distributing	Food / Supplies	7,871.61
Central Garage Fund	Fuel	8,508.90
Central Platte Natural Resources District	Mapping	5,400.00
Central Tire & Tread	Repair	28.02
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	3,205.50
Community Redevelopment Authority	Ford & Ford	5,150.00
Culligan Water Conditioning Co.	Soft Water Supplies	218.30
D & R Computing	Service	75.00
Daktronics, Inc.	Legion Field Scoreboard	16,238.29
Dan's Sanitation	Sanitation Fees	11,293.00
Davis Energy, Inc.	Fuel / Propane	4,587.26
Dawson County Court	Court Fees	31.00
Demco	Lib Supplies	59.38
Dutton-Lainson Company	EL Supplies	543.40
Eakes Office Plus	Lib Supplies	18.53
Electric Fixture & Supply	Cem Supplies	48.51
EMS Billing Services, Inc	Ambulance Service	1,530.09
Eustis Body Shop	Tow Charges / Repair	256.24
Fairbanks International, Inc.	Tractor Rake-PK	8,082.00
Farmer Brothers Coffee	Food & Supplies	202.49
FireGuard, Inc.	Fire Supplies	28.00
Gale Group, The	Books	216.64
Gaylord Bros, Inc.	Lib Supplies	56.99
Gould, Stanley E.	Soccer Field Bldg	2,017.40
Hach Company	WWTP Lab Supplies	305.72
HD Supply Waterworks	WR Supplies	1,326.82
Health Claims Fund	Claims	7,808.24
Holbein, Dahlas D.	Lawn Service	440.00
Ingram Library Services	Books	394.85
Jakes Toro Sprinklers	Repair / Service	219.00
Jim Phillips Const.	ST Repair / Main Breaks	12,007.00
Jones Plumbing & Heating	Rec/AC Svc/WR Supplies	1,955.98
League of Nebraska Municipalities	Conference	641.00
Lexington Area Solid Waste Agency	Landfill	1,283.04
Lexington Glass Co.	Repair	170.00
Lexington Health Fund	Self Funding	31,774.87
Lexington Newspapers, Inc.	Publications	198.16
Lexington Postmaster	Postage	150.00
Lexington Recreation Program	Umpire Fees	1,000.00
Lexington, City of	Franchise Fees	39.83
Payroll	Wages	120,394.69
Social Security	Employer Portion / FICA Med	8,898.38
First National Bank	Employer Portion / Pension	3,466.49
First National Bank	Police Pension	1,672.40
ICMA	City Manager Pension	423.46
Lien Inc.	PK Trees	6,188.75
Linda's Stitches & Creations	T-Shirts	169.00
Linweld	Ambulance Supplies	72.00
Mac's Short Stop	Food & Supplies	336.72
McCookNet Internet Service	Service / Repair	521.50
Mead Lumber & Rental-Lexington	WWTP / PK Supplies	817.69
Meritain Health	Premium	20,858.99
MicroMarketing, LLC	Books	212.86
Mid-State Units	Rental	492.00
Midwest Striping, Inc.	ST Supplies	4,382.00
Misko Sporting Goods	Rec Supplies	114.00
Mohawk USA	PK Supplies	107.09

Morris Press	GGC Supplies	73.00
National Geographic En Espanol	Subscription	32.00
Ne. Public Health Environmental Lab.	WR Testing	128.00
Nebraska Crime Commission	Books	30.00
Nebraska Machinery	WR / Rec Packer Rental	1,805.00
Nebraska National Bank	Copier Pmts.	1,195.44
Nebraska Public Power District	O & M	65,500.00
NPPD/Dawson Canal	Install Offset Pump Can	750.00
Nebraska Waste Handlers	Sludge Removal	5,110.00
Neopost	Postage	1,500.00
Oriental Trading Company, Inc.	Lib Supplies	73.83
Overton Sand & Gravel	Road Gravel	198.32
Paulsen, Inc.	Concrete	1,456.63
Peak Interests LLC	Food	20.00
Platte Valley Auto Mart	Repair	2,103.60
Platte Valley Communication of Kearney	Maint / Service / Repair	908.60
Plum Creek Cleaners	Supplies	288.00
Plum Creek Market Place	Food	106.68
Plum Creek Promotions	T-Shirts	1,219.44
Principal	Dental Premium	1,399.74
Proclamations for Professionals	Book	25.00
Resource Management Co., Inc.	Haul Tires	1,028.84
Roberts Dairy Company	Beverages / Food	353.09
Sargent Drilling Co.	WR Service / Supplies	2,733.15
Schwan's Sales ENT	Food	75.44
Service Master Mid Nebraska	Cleaning Service	642.12
Sign Pro	PK Supplies	15.30
Source Gas, LLC	Gas Service	5,291.75
Sport Supply Group, Inc.	PK Supplies	464.34
Steve's Lock & Key	Repair	168.04
T. O. Haas Tire Co., Inc.	Repair	29.48
Thompson Co., The	Food & Supplies	1,190.67
Total Lawn Care	Lawn Service	3,595.00
Tri-City Tribune	Publications	240.00
Tri-County Hospital	Wellness / Ambulance Supplies	266.00
U-Save Business Equipment	ST / EL Supplies	516.15
USI Education and Government Sales	Supplies	36.00
Village Uniform	GGC Supplies	28.40
Wal-Mart	Supplies	494.37
Annie's Attic Books	Book	18.94
Berke, David	Yard Cleaning Service	230.00
Bert Gurney Associates, Inc.	WWTP Equipment Parts	2,497.49
Cash-Wa Distributing	Food & Supplies	2,273.41
Central Community College	First Aid / CPR Classes	2,107.50
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	518.00
Dawson Area Development	Downtown Revitalization Admin Fees	1,500.00
Dawson County Register of Deeds	Filing Fees	38.50
Dawson Public Power District	Power Purchase	303.87
Depository Trust Co.	09 CU Bond Int/08 GO Bond Pmt	237,500.00
Electric Fixture & Supply	PK Supplies	271.61
Great Plains One-Call Service	Locates	158.50
Health Claims Fund	Claims	2,580.30
Holbein, Dahlas D.	Yard Cleaning Service	550.00
Lexington Animal Clinic	Animal Care	931.20
Lexington Newspapers	Publications	335.63
Lexington, City of	Building Remodel (EL/SA)	150,000.00
Martinez, Yolanda	EL Rebate	300.00

Midwest Laboratories, Inc.	WWTP Testing	1,645.60
Nebraska Department of Revenue	Sales & Use Tax	39,028.47
Schwan's Sales Ent	Food	103.91
Service Master Mid Nebraska	Cleaning Service	175.00
Tomasek, Don	EL Rebate	250.00
Walling Company, Inc., The	Control Panel & Switch	13,120.00
	TOTAL CLAIMS:	879,234.62

ORDINANCE:

Ordinance No. 2282 entitled “AN ORDINANCE TO REZONE CED SECOND ADDITION TO THE CITY OF LEXINGTON, FROM A-2 URBAN RESERVE, TO R-2 RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration on second reading. Moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2282 was presented on final reading. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2282 on final reading. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the public hearing to consider an application to Nebraska Department of Economic Development for a Nebraska Affordable Housing Program grant. Pepplitsch explained that the application as previously approved was amended for the project. Following a review of the application and discussion, the public hearing was closed.

Resolution No. 2010-13 was presented for consideration. Moved by Miller, seconded by Salem, to approve Resolution No. 2010-13 as presented. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

RESOLUTION # 2010-13

A RESOLUTION TO AUTHORIZE THE COUNCIL PRESIDENT AND CITY MANAGER OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

Whereas, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

Whereas, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$500,000 for the New Neighborhood Initiative; and,

NOW, THEREFORE, BE IT RESOLVED BY The Lexington City Council of the City of Lexington, that Council President, John Fagot and City Manager, Joe Peplitsch, be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 8th day of June, 2010.

John Fagot, Council President

Joe Peplitsch, City Manager

LIQUOR LICENSE APP:

Mayor Fagot opened a public hearing to consider a Class “D” Liquor License Application by Karina Lupercio dba “K” Liquors, 200 East 4th, Lexington. Derek Mitchell stated that she is purchasing the existing assets of the closed facility and will be leasing the building. She will be completing training required by the Liquor Control Commission. The public hearing was closed. Following discussion, moved by Salem, seconded by Tomasek, to recommend approval of the Class “D” Liquor License application by Karina Lupercio dba “K” Liquors to the Nebraska Liquor Control Commission as presented. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a report from the Citizens Advisory Review Committee. Peplitsch reviewed the activity in the Lexington Economic Development Program. There were no committee recommendations at this time. The public hearing was closed. Moved by Miller, seconded by Tomasek, to accept the Citizens Advisory Review Committee report as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**WEST CENTRAL AREA
AGENCY ON AGING:**

Peplitsch reviewed an operating contract with WCAAA for the Grand Generation Center Meals Program for FY 2011. Following a review of the program and reimbursement rates, moved by Tomasek, seconded by Salem, to approve the contract as presented and authorizes the mayor to execute the required documents. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

DISTRICT 09-02:

Daniels presented the bid tabulation for the Paving Improvement District 09-02 project, noting that the low bid was over the engineer’s estimate by approximately 29%, mainly due to asphalt prices and the modification of storm water facilities within a specific area of the project. Peplitsch and Daniels outlined possible options. Following discussion, moved by Miller, seconded by Salem, to authorize the city manager to negotiate and execute a contract with the low bidder, Western Engineering, to within approximately 15% of the engineer’s estimate. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

PAY REQUEST:

Peplitsch presented Pay Request #8 for the Dawson County Opportunity Center Phase 1 project from Paulsen Inc. in the amount of \$53,402.16. Following a project update, moved by Salem, seconded by Bennett, to approve the pay request as presented. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

PAY REQUEST:

Peplitsch presented Pay Request #1 for the Dawson County Opportunity Center Phase 2 project from Simon Contractors in the amount of \$7,830.00. Following a project update, moved by Bennett, seconded by Miller, to approve

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

PAY REQUEST:

Pepplitsch presented Pay Requests #1 and #2 for the Soccer Field Building project from Paulsen Inc. in the amounts of \$67,248.00 and \$25,893.00 respectively, for a total of \$93,141.00. Following a project update, moved by Miller, and seconded by Tomasek, to approve the pay requests as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PLANNING SESSION:

Pepplitsch proposed scheduling a planning session for Saturday, June 26, 2010. He noted that this session would be a mobile workshop to tour current project job sites. Moved by Miller, seconded by Tomasek, to set a Planning Session for Saturday, June 26, 2010, at 8 a.m. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch presented Pay Request #4 for the Municipal Building Renovation project from Paulsen Inc. in the amount of \$69,840.00. Following a project update, moved by Bennett, seconded by Miller, to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Salem, Miller, Bennett, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch announced that an Energy Efficiency Block Grant application in the amount of \$250,000.00 for roof repairs and insulation for the Dawson County Opportunity Center was approved for funding. He also reported on recent storm damage and gave updates on several current projects.

Weinhold noted that he will be absent from the June 22, 2010 Council meeting. Miller noted that she may also be absent from that 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