

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 9, 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. Also in attendance were Dana Petersen, Don Price, and Austin Thornburg.

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 2-23-10 Minutes of the Regular meeting held Tuesday, February 23, 2010, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

MINUTES – PLANNING SESSION 2-20-10 Minutes of the Planning Session held Saturday, February 20, 2010, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,346,875.23 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 \$267,783.30 from the General Fund, \$4,042.50 from ED Reuse, \$58,138.27 from Housing Reuse, \$984,858.54 from LEXUS, \$10,000.00 from Sanitation, \$3,784.16 from Ambulance Fund, \$14,200.75 from Health Fund, and \$4,067.71 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
March 9, 2010**

Alamar Uniform Co.	Uniform Expense	178.13
All Points Cooperative	Fuel	155.77
Axis Capital, Inc.	Mail Machine Pmt	527.37
Baker & Taylor	Book	10.40
Bennett, Joni	Conference	182.00
Beringer Ciaccio Dennell Mabrey	D C Opportunity Center-Phase II	36,082.36
Berke, Pam	Conference	54.70

Card Center/Orscheln	Central Garage Supplies	173.94
Case Credit Advantage	Central Garage Supplies	53.88
Cash-Wa Distributing	Food / Supplies	1,441.66
CBS Constructors	Rec Complex Stadium Bleachers	41,830.00
Central Community College	CPR / Pulse Oximetry Classes	991.00
Central Garage Fund	Fuel / Service / Repairs	16,997.50
Certified Laboratories	Central Garage Supplies	475.80
Culligan Water Conditioning Co.	Soft Water Supplies	222.18
Dan's Sanitation	Sanitation Fees	12,410.00
Davis Energy, Inc.	Fuel	4,195.25
Dawson County Handibus	Transportation	42.00
Dawson Pest Control	GGC Service	35.00
Demars Gordon Olson Zalewski	Professional Service	798.50
Demco	Lib Books / Supplies	432.98
Dutton-Lainson Company	WR Supplies	176.56
Eakes Office Plus	Supplies / Copies	59.08
Eilers Machine & Welding	Central Garage / ST Supplies	110.99
Electric Fixture & Supply	PK / ST Supplies	26.31
EMS Billing Services, Inc.	Ambulance Service	1,247.62
Fagot Refrigeration & Electric	WR Repair / PK Supplies	284.60
Fagot, John	Conference	192.47
Farmer Brothers Coffee	Food & Supplies	115.09
Fastenal	Central Garage Supplies	214.22
Fire-Extrication-Hazmat Billing, LLP	Fire Equip Billing Fee	135.70
Fisher Scientific	Testing Supplies	662.03
Flowers of Joy	Police Supplies	35.50
Follett Software Co.	Lib Supplies	47.82
Gale Group, The	Books	215.04
Gnirk Lawn Care, Inc.	Aeration / Insecticide Applications	5,875.50
Gothenburg Times, The	Publication	5.04
Gould, Stanley E.	Soccer Field Concession Bldg	205.75
Great Plains One-Call Services, Inc.	Locates	27.38
Hach Company	Testing Supplies	165.03
HD Supply Waterworks	WR Supplies	692.72
Health Claims Fund	Claims	9,341.57
History Education	Books	300.00
Ingram Library Services	Books	915.18
Island Supply Company, The	ST Repair Supplies	4,104.00
Jim Phillips Const.	Main Break Repairs	5,835.73
Jones Plumbing & Heating	WR / ST Supplies	155.01
K Lawn	Lawn Care	786.60
Kapco	Lib Supplies	65.42
League of Nebraska Municipalities	Conference	21.00
Lexington Animal Clinic	Animal Care	456.00
Lexington Area Solid Waste Agency	Landfill	924.48
Lexington Health Fund	Self Funding	31,231.87
Lexington Newspapers, Inc.	Publications	306.31
Lexington Postmaster	Postage	150.00
Lexington, City of	Franchise	46.38
Linweld	Ambulance Supplies	66.00
Marsh USA	Premium	1,600.00
Matt Friend Truck Equipment	Central Garage Supplies	340.00
McCookNet Internet Service	Service	139.00
Mead Lumber	Central Garage Supplies	15.49
Meritain Health	Premium	20,463.85
Microfilm Imaging Systems	Lib Service	380.00
Mid-Nebraska Food Bank	Food	97.98

Miller Mechanical Specialties, Inc.	WWTP Supplies	47.05
Morris Press	GGC Supplies	73.00
Mr. Automotive	Central Garage Supplies	44.55
National Pen Company	Lib Supplies	132.40
Nebraska Dept. of Economic Development	Orthman's CDBG Pmt	4,042.50
Nebraska Dpt of Health & Human Services	Aquatic Center Renewal Fee	40.00
Nebraska Environmental Products	Central Garage Supplies	437.67
Nebraska Municipal Clerk Institute	Registration Fee	400.00
Nebraska National Bank	Copier Payments	1,195.44
Nebraska Public Power District	Power Purchase	820,516.10
Nebraska State Historical Society	Membership Dues	40.00
Nebraska Waste Handlers	Sludge Removal	6,716.00
Omaha World Herald	Subscription	248.56
Overton Sand & Gravel	Road Gravel	82.36
Paulsen, Inc.	Concrete	1,246.55
Pepplitsch, Joe	Conference / Seminars	379.00
Platte Valley Communication of Kearney	Maint / Repair / Police Car Radios	5,440.69
Plum Creek Cleaners	Supplies	275.25
Plum Creek Motors	Central Garage Supplies	182.64
Price's Tree Service	Tree / Snow Removal	3,490.00
Principal	Dental Premium	2,882.44
Region 12 American Backflow Prevention Assoc	Training Fees	130.00
Roberts Dairy Company	Beverages	259.16
Rodale	Book	37.94
Run-N-Iron	Fire Arms	1,388.00
S & K Pumps, LLC	PK Equipment	870.00
S & W Auto Parts	Central Garage Supplies	1,153.53
Service Master Mid Nebraska	Cleaning Service	189.12
Source Gas, LLC	Gas Service	9,242.55
Statewide Collections, LLC	Collection Fees	306.84
Subway Sandwiches & Salads	Food	91.84
T. O. Haas Tire Co., Inc.	Tires / Repair	188.40
Team Detail & Quicklube	Car Wash	22.99
Thomas Bouregy & Company, Inc.	Books	139.50
Thompson Co., The	Food & Supplies	1,467.37
Tomasek, Steve	Conference	170.00
Tri-City Tribune	Publication	4.63
Tri-County Hospital	Wellness	308.00
U-Save Business Equipment	GGC/Police/ST Supplies/Postage	160.50
Union Pacific Railroad	Crossing Agreement	2,000.00
ValmontRec	Light Pole Inspection	2,760.00
Wal-Mart	Supplies	215.07
Western Engineering Company, Inc.	ST Repair Supplies	1,080.35
Bibliographical Center for Research	Subscription	20.73
Brenntag Great Lakes, LLC	Caustic Soda for WWTP	4,515.59
Burnside, Dennis	Conference	166.00
Career Services, Inc.	Able Housing PJ House #3	58,138.27
Cash-Wa Distributing	Food & Supplies	478.18
Cummins Central Power	WWTP Inspection	723.68
Danko Emergency Equipment Co.	Rescue Equip	811.54
Dawson County Register of Deeds	Fees	43.50
Depository Trust Co.	2004 Combined UTL Bond Pmt	38,172.50
Electric Fixture & Supply	WR Supplies	52.87
Eustis Body Shop	Towing Fee	115.00
Fisher Scientific	Testing Supplies	262.45
Galls	Police Uniforms / Vests	468.38
Gonzalez, Leo	Mtg Expense	15.00

Health Claims Fund	Claims	1,914.64
Lexicon Marketing LLC	DVD's	176.00
Lexington Family Eyecare	Safety Glasses	333.00
Payroll	Wages	96,903.67
Social Security	Employer Portion / FICA Med	7,104.60
First National Bank	Employer Portion / Pension	3,129.19
First National Bank	Police Pension	1,513.45
ICMA	City Manager Pension	414.23
Luther, Ann	Mtg Expense	58.00
Marriott Hotels & Resorts	League Conference	1,922.52
Memphis Net & Twine Co., Inc.	Tennis Nets	441.00
Moore Medical	Ambulance Equip	87.49
Naumann, Sondra	Cleaning Service	161.00
Nebraska Department of Revenue	Sales & Use Tax	49,500.03
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,325.12
Rainbow Printing	Lib Supplies	370.00
Roberts Dairy Company	Beverages	74.97
Steve's Lock & Key	Rec Supplies	10.76
StopTech	Police Stop Stick	434.95
Team Detail & Quicklube	Car Wash	22.99
Tyler Technologies	Training Subscription	1,050.00
U-Save Business Equipment	Postage	8.16
Upstart	Lib Supplies	196.05
Village Uniform	GGC Supplies	87.89
W P C I	Drug Test	27.10
	TOTAL CLAIMS:	1,346,875.23

PUBLIC HEARING:

Mayor Fagot opened a public hearing for a liquor license application by Tburg Inc. dba Box Bar. Austin Thornburg, business owner, requested Council approval of a Class "I D" liquor license application for the business located at 405 N Washington. He reported that he has recently purchased the business and plans to continue running it as a restaurant and a tavern. Peplitsch reported that no adverse comments have been received on the application. The public hearing was closed. Following discussion, moved by Salem, seconded by Miller, to recommend approval of the application as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

SPECIAL USE PERMIT:

Mayor Fagot opened a public hearing for a special use permit application by Don Price for the development of a mobile home park on Price's Third addition. Dana Petersen, M&A, gave a project overview. Drafts of a special use agreement and a subdivision agreement were discussed. The public hearing was closed. Council directed Staff to work with Mr. Price to develop a special use agreement for future consideration.

JACKSON STREET:

Resolution No. 2010-07 was presented. Peplitsch reviewed a program agreement with NDOR for the proposed Jackson Street Urban Reconstruction Project, 8th-13th Streets, and indicated the agreement would need to be approved by resolution. Following discussion, moved by Salem, seconded by Miller to approve Resolution No. 2010-07 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**RESOLUTION
(SIGNING OF THE PROJECT PROGRAM AGREEMENT)**

City of Lexington Nebraska (LPA)
Resolution No. 2010-07

Whereas: City of Lexington NE is proposing a transportation project for which it would like to obtain Federal funds;

Whereas: City of Lexington NE understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Lexington NE and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of City of Lexington NE that: John Fagot, Mayor of City of Lexington NE, is hereby authorized to sign the attached Project Program Agreement between City of Lexington NE and the NDOR.

City of Lexington NE is committed to providing local funds for the project as required by the Project Program Agreement.

NDOR Project Number URB-6561(2),
NDOR Control Number 61489,
Jackson Street Urban Reconstruction - Lexington.

Adopted this 9th day of March, 2010 at Lexington, Nebraska.

The City Council of City of Lexington, NE
Attest: City Clerk

LVFD ROSTER:

A roster of active members of the Lexington Volunteer Fire Department was presented to Council. Following discussion, moved by Tomasek, seconded by Bennett, to accept the 2010 Lexington VFD roster as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

ACTION PLAN:

Pepplitsch presented a final draft of the 2010 City of Lexington Development Action Plan. Following discussion, moved by Miller, seconded by Tomasek, to approve the plan as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested Council approval of Pay Request #1 for the Municipal Building Remodel project from Paulsen Inc. in the amount of \$6,853.50. Following an update of the project, moved by Miller, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested Council approval of Pay Request #6 from Paulsen Inc. for Dawson County Opportunity Center Phase I project in the amount of \$107,199.00. Following a project update, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch reviewed several current projects. He noted that he will send several possible dates for a Council planning session to the Council in the near future.

Burnside reported on the DTR focus groups and design workshops. He noted that the 2010 Census is gearing up and several activities are planned to encourage citizens to be included in the census. He also stated that the annual performance review for the city manager is due in April.

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