

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 23, 2010, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were 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, Lexington Clipper-Herald, and KRVN Radio. Also in attendance were Dana Daniels, Jeremy Bals and Andrew Stark, and other interested parties.

**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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 11-9-10** Minutes of the Regular meeting held Tuesday, November 9, 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.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$565,557.04 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 \$177,686.17 from the General Fund, \$39,284.08 from Cemetery Fund, \$100,000.00 from Economic Development, \$4,166.67 from ED Reuse, \$169,813.12 from LEXUS, \$27,681.77 from Sanitation, \$423.70 from Landfill, \$26,668.92 from Ambulance Fund, \$16,770.23 from Health Fund, and \$3,062.38 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
November 23, 2010

AccuCut Systems	Lib Supplies	95.25
AFLAC	Premium	1,114.18
All Points Cooperative	Fuel	41.71
American Public Works Association	Membership Fee	238.00
Audio Editions	Books	24.00
Axis Capital, Inc.	Mail Machine Pmt	840.00
Boys & Girls Home of Nebraska	Utility Refund	49.12
Business Office Systems, Inc.	Copies	19.94
Card Center/Orscheln	Cem / ST / WR Supplies	176.35
Conrad Fire Equipment, Inc.	Ambulance Supplies	14.92
Davis Energy, Inc.	Fuel / Oil	4,890.30
Davis, Adam	EL Rebate	1,100.00
Demco	Lib Supplies	246.13
Do It Yourself	Subscription	19.97

Eakes Office Plus	Lib Supplies	34.77
Electric Fixture	EL / ST / PK / Cem / Lib Supplies	2,428.35
Farm Plan	Central Garage Supplies	194.92
Fastenal	ST / WR Supplies	220.52
Gale Group, The	Books	138.42
Gempler's, Inc.	WWTP Supplies	339.35
Great Western Bank-Lib. Petty Cash	Postage / Food / Supplies	187.98
Health Claims Fund	Claims	11,411.65
Holbein, Dahlas D.	Maint / Cleaning Service	1,000.00
Hollander, Betty	Cem Space Refund	200.00
Ingram Library Services	Books	959.19
Jim Phillips Const.	Repair Fence	2,173.00
Johnson Lake Flying Service, Inc.	Weed Spraying	423.70
Kapco	Lib Supplies	5.32
Lexington Newspapers, Inc.	Publications	193.68
Lexington Rural Fire Protection District	Bldg Pmt	25,634.55
Lexington, City of	Service Fees	54,857.75
Payroll	Wages	107,561.18
Social Security	Employer Portion / FICA Med	7,908.66
First National Bank	Employer Portion / Pension	3,516.70
First National Bank	Police Pension	1,662.30
ICMA	City Manager Pension	433.84
McCookNet Internet Service	Move Server & DSL Lines	909.50
Mead Lumber & Rental-Lexington	WWTP / PK / Cem Supplies	130.39
MicroMarketing, LLC	Books / CD Cases	1,141.53
Mr. Automotive	Fire Dept Supplies	8.27
Municipal Supply	WR Supplies	922.58
Nebraska Amateur Softball Association	Bid Fees	210.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt	4,166.67
Nebraska Statewide Arboretum	Membership Fee	100.00
Nebraska State Library/Nebraska Supreme Court	Books	63.00
Platte Valley Auto Mart	Bldg Insp Service	70.48
Plum Creek Market Place	Food	44.23
Plum Creek Medical Group	Flu Shots	1,887.00
Plum Creek Promotions	Rec Shirts	1,794.66
Price's Tree Service	Tree Removal	100.00
Rodale	Book	39.94
Roberts Dairy Company	Beverages	100.22
Service Master Mid Nebraska	Cleaning Service	5,581.51
Sign Pro	DCOC Sign Down Pmt	5,987.50
Soria, Jose	EL Rebate	650.00
Subway Sandwiches & Salads	Food	36.89
T. O. Haas Tire Co., Inc.	Tires	177.20
Team Detail & Quicklube	Fire Dept / Police Service	591.76
Tena, Carlos	EL Rebate	1,325.00
Thompson Co., The	Food / Supplies	866.50
U-Save Business Equipment	GGC/Lib/Bus Ofc/Police Spls/Pstg	854.69
USA Today	Subscription	195.00
USI Education and Government Sales	Supplies	48.49
Village Uniform	GGC Supplies	27.40
Wal-Mart	Supplies	459.18
Amazon.Com Credit	Books	21.42
American Water Works Association	Membership	295.00
Audio Editions	Book	8.00
Business Card	Paper/Envelopes/Computer Spls	666.34
Business Office Systems, Inc.	Copies	13.74
Card Center/Orscheln	ST / Cem Supplies	44.47
Cash-Wa Distributing	Food & Supplies	360.53
Dan's Sanitation	Sanitation Fees	27,681.77
Data-Pac Mailing Systems	Postage	1,500.00

Dell Marketing L P	Lib / Finance Director Computers	4,283.30
Designer Craft Woodworking, Inc.	City Hall Case Work	11,910.00
Electric Fixture & Supply	EL / Muni Bldg Supplies	2,428.81
Electric Systems, Inc.	Lib / GGC Service	75.00
Fastenal	WWTP Supplies	7.65
Gnirk Lawn Care, Inc.	Spray Weeds	211.50
Great Western Bank-City Petty Cash	Food / Postage / Fuel	62.25
Great Western Bank-Lib. Petty Cash	Postage	24.45
Guideposts	Book	17.74
HD Supply Waterworks	WR Supplies	223.49
Health Claims Fund	Claims	2,615.40
Ingram Library Services	Books	27.46
Intellicom	Municipal Bldg Telephone System	284.15
Komline-Sanderson	WWTP Supplies	1,059.72
Lexington Glass Co.	PK / WR Repair	89.44
Lexington Newspapers, Inc.	Publication	8.99
Lexington, City of	Fund Transfers	164,918.63
Lexington, City of	Franchise Fees	50,889.87
Lexington Utilities System	Utilities	27,539.05
Lien, Inc.	Sprinkler Supplies	1,519.88
Mailbox Books, The	Books	24.00
Mead Lumber & Rental-Lexington	WWTP Supplies	30.85
Miller & Associates	Retainer Service	800.00
National Wildlife Federation	Subscription	19.95
Nebraska Public Health Environmental Lab	WR Testing	160.00
Nebraska Assigned Risk Pool	Fire Dept Work Comp Audit	407.00
Overton Community Center	Meals on Wheels	100.00
Oxmoor House	Book	36.91
Roberts Dairy Company	Beverages	180.76
Sanderman, Liz	Mileage	95.50
Subway Sandwiches & Salads	Food	69.69
Sund, Dennis	1/2 of Boots	14.94
Tep's Bar & Grill	Gift Certificates	550.00
Thompson Co., The	Food & Supplies	430.83
USA Bluebook	Fire Hydrant Supplies	1,972.70
Vaughan Co., Inc.	WWTP Equip Repair	2,015.00
Vet's Club Steakhouse	Gift Certificates	625.00
Village Uniform	GGC Supplies	44.60
Vision Internet Providers, Inc.	Web Hosting Fees	270.97
W P C I	Policy Update	75.00
	<b>TOTAL CLAIMS:</b>	<b>565,557.04</b>

**SPECIAL USE PERMIT:**

Mayor Fagot opened a public hearing to consider a special use permit application by USA Communications to construct a 150' communications tower at Lot 1, Tract G, Lexington, on the east end of the Lexington Livestock property. Jeremy Bals presented the application and noted that the tower would enhance their broadband internet service in the Lexington area, that approval of the tower height from the Airport Authority and FAA had been gained, and that the property used to erect the tower would be leased. When questioned about co-locating on the existing tower in that area, he explained that it was determined to be cost prohibitive. As abandonment of the equipment was a concern of the Planning Commission in their recommendation for approval of the application, Bals noted that language regarding any abandonment is written into the lease agreement and could be included in any agreement with the city. There being no other public comments, the public hearing was closed. Following discussion, moved by Miller, seconded by Salem, to approve the special use application and to authorize the city manager to execute a special use permit agreement with USA Communications and the property owner. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**1&6 STREET IMPROVEMENT AMENDMENT:**

Resolution No. 2010-27 was presented for Council consideration. Peplitsch noted that Lexington has the opportunity to work with NDOR to utilize federal aid for an additional 2011 street project that would not require additional ROW or extensive environmental review. He proposed a resurfacing project including 17<sup>th</sup> Street between Polk and Adams Streets, and Walnut Street between Van Buren and Madison Streets. To move forward, this project would need to be identified in the city's 1-year Street Improvement Plan through plan amendment, and reviewed a proposed amendment. Following discussion, moved by Salem, seconded by Miller to approve Resolution No. 2010-27 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-27

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the One- and Six-Year Street Improvement Plan is hereby amended by said City Council. The said Mayor and City Council attests that the attached Form 10 Revision to One-Year Plan and Location Map, is hereby approved, and amends the One-Year Plan for the City of Lexington.

BE IT FURTHER RESOLVED, this Program is:

Approved as presented  
 Approved with the following changes:

Dated: November 23, 2010.

John Fagot, Mayor  
Attest: Joe Peplitsch, City Clerk

**LEASE AGREEMENT:**

Peplitsch reviewed a lease agreement for space in the Opportunity Center for a Health and Human Services – ACCESS NE Call Center. He reviewed the agreement and the conceptual plan for the space build-out. Following discussion, moved by Miller, seconded by Bennett, to authorize the execution of the lease as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**ELECTION RESULTS:**

Peplitsch presented 2010 general election results as certified by the Dawson County Clerk for the City Council and Airport Authority. Moved by Tomasek, seconded by Bennett, to accept the election results from November 2, 2010 General Election as certified. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Peplitsch reminded the Council that an organizational meeting on the first Tuesday in December following a general election was required. Moved by Tomasek, seconded by Salem, to schedule an organizational meeting on Tuesday, December 7, 2010, at 7:30 a.m. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**NW 3<sup>RD</sup> INFRASTRUCTURE:**

Dana Daniels presented closeout documents for the Northwest 3<sup>rd</sup> Addition Infrastructure Improvement project. Daniels reviewed Pay Request #2(Final) from Paulsen, Inc. in the amount of \$157,065.36. Moved by Salem, seconded by Miller to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Daniels presented a Certificate of Substantial Completion for the project. Moved by Miller seconded by Salem, to approve the certificate as presented. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch reviewed Pay Request #9 from Paulsen Inc. for the Municipal Building project in the amount of \$45,225.49. Following discussion, moved by

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

**FINANCIAL REPORT:**

Peplitsch reviewed an October 2010 financial report. Following discussion, moved by Salem, seconded by Bennett, to accept the financial report as presented. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

**ROUNDTABLE:**

Fagot reported on a project by the Lexington Middle School 8<sup>th</sup> grade class to generate discussion on the acquisition and renovation of the Majestic Theatre in downtown Lexington.

**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.

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Deputy City Clerk