

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 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 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, and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub and Lexington Clipper-Herald. Also in attendance were Dana Daniels, Deb Jensen, Wade Tisdale, and Julie Harris.

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 10-26-10 Minutes of the Regular meeting held Tuesday, October 26, 2010, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Wade Tisdale and Julie Harris of the Dawson Area Development Leadership Class were recognized and welcomed by the Council.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,594,703.56 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 \$279,987.74 from the General Fund, \$153,155.97 from TIF, \$4,166.67 from ED Reuse, \$1,132,805.97 from LEXUS, \$10,000.00 from Sanitation, \$2,364.56 from Ambulance Fund, \$10,737.57 from Health Fund, and \$5,651.75 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 9, 2010**

Adirondack Direct	Lib Supplies	121.00
Alamar Uniform Co.	Uniform Expense	147.93
All Points Cooperative	Fuel / WWT Supplies	200.11
American Library Association	Membership Dues	180.00
Barmore Drug Store, Inc.	Supplies	13.98
Beringer Ciaccio Dennell Mabrey	D C Opportunity Center-Phase II	1,389.80
Business Office Systems, Inc.	Copies / Police Supplies	101.04
Card Center/Orscheln	PK / ST / WWTP Supplies	361.38
Cash-Wa Distributing	Food & Supplies	1,242.82

CCP Industries, Inc	WWTP Supplies	226.42
Central Fire & Safety, Inc.	GGC Service	230.50
Central Garage Fund	Fuel	7,810.08
Comfort Inn	Conference	71.96
Community Redevelopment Authority	Lex Investor/CEL/ Ford & Ford TIF Pmts	130,304.21
Concierge Marketing, Inc.	Books	63.99
Culligan Water Conditioning Co.	Soft Water Supplies	202.33
Dan's Sanitation	Sanitation Fees	11,178.00
Data-Pac Mailing Systems	Postage	1,500.00
Dawson Pest Control	GGC Service	35.00
Dawson Public Power District	Power Purchase	3,012.89
Dell Marketing L P	UTL / Admin Computers	3,682.96
Diamond Vogel Paint	ST Supplies	324.45
Downey Drilling, Inc.	NW 3rd Addition SW Project	10,200.00
Dugan Business Forms	Business Office Supplies	1,148.96
Eakes Office PlusLib	Supplies	166.98
Ebsco Subscription Service	Books	1,219.53
Electric Fixture & Supply	WWTP Supplies	9.14
Evans, Jesse	Travel Expense	180.00
Fagot Refrigeration & Electric, Inc	AC/Admin Bldg/WWTP/WR Svc & Rep	2,038.33
Farmer Brothers Coffee	Food & Supplies	162.69
Fastenal ST	Supplies	24.46
Fire-Extrication-Hazmat Billing, LLP	Fire Equipment Billing Fee	186.40
Fireguard, Inc.	Fire Equipment Repairs	1,664.40
Flowers of Joy	Supplies	30.95
Fox Bros. Hay Co., Inc.	Wood Grinding	3,485.63
Gale Group, The	Books	218.14
Garden, Lawn & Landscaping	Yard Clean-up	165.00
Great Plains One-Call Service	Locates	44.26
Guideposts	Book	17.74
Hach Company	Testing Supplies	761.90
HD Supply Waterworks	WR Meters / Supplies	299.56
Health Claims Fund	Claims	6,561.78
Holbein, Dahlas	Lawn Care	330.00
Ingram Library Services	Books	117.79
Jerry Baker	Book	37.75
Jim Phillips Const.	ST / Sidewalk Repair	6,300.00
Jones Plumbing & Heating	PK/Muni Bldg/WR/WWTP Supplies	1,783.41
Lexington Animal Clinic	Animal Care	782.77
Lexington Area Solid Waste Agency	Landfill	946.24
Lexington Glass Co.	Municipal Bldg Repair	1,800.00
Lexington Health Fund	Self-Funding	32,390.94
Lexington Newspapers, Inc.	Publications	690.59
Lexington Postmaster	Postage	150.00
Lexington Volunteer Fire Dept.	Annual Conference	1,970.00
Lexington, City of	Franchise Fees	38.93
Payroll	Wages	103,261.10
Social Security	Employer Portion / FICA Med	7,600.74
First National Bank	Employer Portion / Pension	3,354.88
First National Bank	Police Pension	1,492.18
ICMA	City Manager Pension	516.92
Linweld	Ambulance Supplies	72.00
Lips Printing Service	WR Letters	114.41
Little Caesars	Food	15.54
Mast's Fire Extinguisher Sales	Service	40.70
Matt Parrott and Sons Co.	Envelopes	614.69
McCookNet Internet Service	Service	139.00

Mead Lumber & Rental-Lexington	WWTP / Cem / Admin Bldg Supplies	247.90
Menards-Kearney	Lib Supplies	9.94
Meritain Health	Premium	23,281.36
Midwest Laboratories, Inc.	WWTP Testing	1,637.80
Miller & Associates		
	Anaerobic Digester Gas Piping / Spruce & Elm ST WR Improv	15,271.60
Misko Sports	Rec Supplies	1,010.65
Morris Press	GGC Supplies	73.00
Nebraska Department of Roads	Registration Fee	30.00
NE Law Enforcement Training Center	Police Officer Training Fee	50.00
Nebraska National Bank	Copier Pmts	1,195.44
Nebraska Public Health Environmental Lab	WR Testing	452.00
Nebraska Public Power District	O & M	65,500.00
Nebraska Recreation & Park Association	Membership Dues	50.00
Nebraska Salt & Grain Co.	ST Supplies	462.50
Nebraska Waste Handlers	Sludge Removal	3,504.00
Overton Sand & Gravel	Gravel	362.70
Oxmoor House	Book	36.91
Penworthy Company	Books	1,188.56
Pinnacle Agency, The	Vehicle / Trailer Premium	284.00
Platte Valley Communication of Kearney	Repair / Maintenance	525.50
Plum Creek Cleaners	Supplies	391.50
Plum Creek Market	Food	68.38
Presto-X	Fire Dept Service	75.00
Principal	Dental Premium	1,821.46
Quill Corporation	Supplies	45.30
Rasmussen Mechanical Services	Lib Service / Repair	2,435.03
Roberts Dairy Company	Food	455.86
RSC Equipment Rental	WR Supplies	261.55
S & W Auto Parts, Inc.	Fire Dept / PK / WWTP Supplies	106.21
Security First Bank	Wilkinson Development-TIF	22,851.76
Service Master Mid Nebraska	Cleaning Service	124.12
Source Gas, LLC	Gas Service	3,287.78
Statewide Collections LLC	Collection Fees	579.41
T. O. Haas Tire Co., Inc.	Tires / Repair	202.40
Thomas Bouregy & Company, Inc.	Books	139.50
Thompson Co., The	Food & Supplies	1,510.26
Total Lawn Care	Lawn Care	3,975.00
Tri-City Tribune	Publications	600.00
Tri-County Hospital	Wellness / Ambulance Supplies	358.00
Tyler Technologies	Bar Code Scanner	1,365.00
U-Save Business Equipment	Admin Chairs/Police Tables/Pstg/UPS Chgs	6,620.40
Vaughan Co., Inc.	WWTP Supplies	1,617.00
Verizon Wireless	Cellphone Service	132.93
Vision Internet Providers, Inc.	Website Design Pmt	9,957.50
WPCI	Drug Test	50.00
Wal-Mart	Supplies / Conference Room Equipment	1,595.35
Aesseal, LLC	WWTP Supplies	628.90
All You	Subscription	23.88
Anderson Graphics	Lib Service	58.75
B & D Office City	Police Supplies	166.63
Barco Municipal Products, Inc.	ST Supplies	122.78
Brown Traffic Products, Inc.	EL Supplies	855.00
Cash-Wa Distributing	Food & Supplies	309.84
Central Garage Fund	Service & Repair	15,164.62
Certified Laboratories	Central Garage Supplies	507.98
Dan's Sanitation	Sanitation Fees	1,500.00

Dawson County Handibus	Transportation	26.00
Dawson Public Power District	Power Purchase	385.29
Dell Marketing L P	Lib / WR / ST Computers	1,668.33
Designer Craft Woodworking, Inc.	Conference Room Furniture	4,763.00
Downey Drilling, Inc.	Well Field at D C Opportunity Center	28,266.40
EMS Billing Services, Inc.	Ambulance Service	1,765.96
Farm Plan/Landmark Implement	Central Garage Supplies	195.81
H2O Technical Services, Inc.	Sodium Hydroxide	4,172.46
Health Claims Fund	Claims	2,304.33
Homestead Bank	Fire Pumper Pmt	50,568.00
Intellicom	Municipal Bldg Telephone System	2,717.14
Lexington, City of	Fund Transfers	180,000.00
Linweld	Ambulance Supplies	44.35
Lofquist Welding, Inc.	I Beams - Rec Complex	1,120.00
Mellen & Associates, Inc.	WWTP Supplies	1,075.56
Mr. Automotive	Central Garage Supplies	115.60
Nebraska Department of Revenue	Sales & Use Tax	42,781.79
Nebraska Environmental Products	Central Garage Supplies	3,642.31
Nebraska Machinery	Central Garage Supplies	842.22
Nebraska Public Power District	Power Purchase	706,451.77
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,209.29
OCLC, Inc.	Subscription	17.63
Oxbow Construction	Secondary Digester Rehab	3,366.00
Palfleet Truck Equipment	Central Garage Supplies	80.70
Paulsen Inc.	Concrete	351.37
Pinnacle Agency, The	Bond Renewal	100.00
Plum Creek Market Place	Food	22.83
Roberts Dairy Company	Beverages	181.92
S & W Auto Parts, Inc.	Central Garage Supplies	844.06
Statewide Collections LLC	Collection Fees	128.01
Superior Signals, Inc.	Central Garage Supplies	324.60
T. O. Haas Tire Co., Inc.	Tires / Repair	1,130.90
Thompson Co., The	Food & Supplies	857.81
U-Save Business Equipment	Postage	5.40
Vaughan Co., Inc.	WWTP Supplies	1,015.00
Vermeer High Plains	Central Garage Supplies	118.11
Wal-Mart	Lib Supplies	10.00
Winter Equipment Company	ST Supplies	1,347.39
	TOTAL CLAIMS:	1,594,703.56

OCCUPANCY AGMT:

Pepplitsch reviewed an occupancy agreement with Central Community College for the Dawson County Opportunity Center. Following discussion on the terms of the agreement, moved by Miller, seconded by Tomasek, to approve the agreement and to authorize the Mayor to execute the required documents. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider revisions to the Downtown Revitalization grant application budget. Deb Jensen explained that the revision of the proposed budget moved funding from demolition and acquisition activities to infrastructure and building improvements. Burnside explained that definitive plans and environmental review for projects and/or properties needed to be in place for Demolition and Acquisition per grant requirements prior to approval. As this is not the case for the Lexington project, the funds needed to be reallocated. Fagot requested public comments. There being no public comments, the public hearing was closed. Following discussion, moved by

Salem, seconded by Tomasek, to approve the revised budget and to authorize the execution of the required documents. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

ELECTRIC CAPITAL PROJ: Peplitsch presented an electric system capital improvement project. He gave an overview of the project and progress on the system conversion plan. Following discussion, moved by Miller, seconded by Bennett, to approve the capital project as presented and to authorize the city manager to execute the required documents. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

PROJECT AGREEMENT: Peplitsch presented an agreement for electric power line relocation work on the NDOR Ash – Jefferson Street project. He explained the agreement generally covers costs and responsibilities related to the relocation of electric distribution lines at the intersection of Hwy 283 and Walnut Street. Following discussion, Resolution No. 2010-25 was presented. Moved by Salem, seconded by Tomasek, to approve Resolution No. 2010-25 as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-25

WHEREAS, it is in the best interests of the City of Lexington to enter into an Agreement with the Nebraska Department of Roads for Project No. STP-283-2(102), Control No. 61433, Electrical Transmission & Distribution Rehab, Ash Street to Jefferson Street; and

WHEREAS, the City of Lexington and Nebraska Department of Roads wish to enter into a Project Program Agreement providing the various duties and funding responsibilities for the specified project;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, that John Fagot, the President of the Council, is hereby directed and authorized to execute on behalf of the City of Lexington the Project Program Agreement as attached to this Resolution, with the State of Nebraska Department of Roads for Project No. STP-283-2(102), Control No. 61433, Electrical Transmission & Distribution Rehab, Ash Street to Jefferson Street;

BE IT FURTHER RESOLVED, that the City of Lexington is committed to providing local funds for the project as required by the said Project Program Agreement, STP-283-2(102), Control No. 61433, Electrical Transmission & Distribution Rehab, Ash Street to Jefferson Street;.

Passed and approved on November 9, 2010.

John Fagot, President of Council

ATTEST: Joe Peplitsch, City Clerk

13TH STREET PROJECT BID: Peplitsch advised that bids were recently received by NDOR for the 13th Street Reconstruction project, and NDOR was seeking local concurrence to award a contract. Following discussion, Resolution No. 2010-26 was presented. Moved by Miller, seconded by Bennett, to approve Resolution No. 2010-26 as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION No. 2010-26

WHEREAS, there has been signed by the City of Lexington on the 24th day of August, 2010, and the State on the 1st day of September, 2010, an agreement providing for the construction of a Federal Aid Project described as follows: 13th Street from Airport Road to the east property boundary of Optimist Park, then across to the south side of 13th Street and continues east to Park Street; from Park Street to Erie Street; and from Erie Street to Hampton Street, and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPAA-6556(4), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on October 21, 2010, at which time three bids were received for the construction of the proposed work, and

WHEREAS, the following contractor(s) has been selected as the low bidder to whom the contract(s) should be awarded:

Paulsen, Inc.; Cozad, Nebraska

Grading, Concrete Pavement, Culverts, Water Main, Seeding and General Items: \$1,306,090.10

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Lexington, by this resolution, takes the following official action:

1. The council hereby concurs in the selection of the above mentioned contractor(s) to whom the contract(s) should be awarded.
2. The Council does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.
3. The Council hereby authorizes the Mayor and City Clerk of Lexington to sign the construction contract on behalf of said City.

DATED THIS 9TH DAY OF NOVEMBER, A.D. 2010

CITY OF LEXINGTON

John Fagot, Mayor

ATTEST: Joe Peplitsch, City Clerk

SCALES:

Peplitsch presented an interlocal agreement for cooperative law enforcement services. He explained that the South Central Area Law Enforcement Services (SCALES) agreement would allow collaborative efforts by several regional municipalities and counties to pool resources as needed. Following discussion, moved by Miller, seconded by Bennett, to approve the SCALES agreement as presented and to authorize the execution of the required documents. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CONSERVATION EASEMENT: Council reviewed a request by the Central Platte NRD on two proposed conservation easements for property within the City's zoning jurisdiction. Following discussion, moved by Salem, seconded by Tomasek, to direct the issue to the Planning Commission for review and comment. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #6 from Simon Contractors for the Dawson County Opportunity Center Phase 2 project in the amount of \$122,391.00. Following discussion, 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.

CLOSEOUT DOCUMENTS: Dana Daniels reviewed close out documents for the District 09-02 Paving project. He explained that the final pay request to Western Engineering in the amount of \$49,968.69 included a change order for a deduction of \$7,687.89. Following discussion, moved by Salem, seconded by Bennett, to approve the final pay request as presented. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

Daniels presented a Certificate of Substantial Completion for the District 09-02 Paving project. Moved by Miller, seconded by Salem, to approve the certificate as presented. Roll call. Voting "ay" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

ROUNDTABLE: Peplitsch provided current project updates.

Burnside reminded Council and Staff of an open house conducted by NDOR on November 16 at the Lexington Public Library for paving improvements on Highway 30 between Cozad and 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.

Deputy City Clerk