

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 9, 2011, 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, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by Kearney Hub. Dana Daniels of Miller & Associates was also in attendance.

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 7-26-2011 Minutes of the Regular meeting held Tuesday, July 26, 2011, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,679,386.76 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$266,614.61 from the General Fund, \$1,381,202.58 from LEXUS, \$10,000.00 from Sanitation, \$3,120.00 from Landfill, \$2,816.51 from Ambulance Fund, \$14,888.38 from Health Fund, and \$744.68 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 9, 2011**

Adamson, Tom	Library Book	8.00
All Points Cooperative	Fuel / Propane / Weed Spray	1,369.36
Alva, Sandy	Translation Service	25.00
Arnold Pool Company	Aquatic Center Supplies	485.75
Bert Gurney & Associates, Inc.	WWTP Supplies	2,209.56
Case Credit Advantage	Central Garage Supplies	519.90
Cash-Wa Distributing	Food / Supplies	577.86
Central Garage Fund	Fuel / Service / Repair	22,817.62
Central Tire & Tread, Inc.	WWTP Supplies	24.60
Certified Laboratories	Central Garage Supplies	232.56
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	95.00
Consolidated Management Company	Police Training Meals	85.75
Cozad Services, Inc.	Service Bldg A/C Repair	88.60

Culligan Water Conditioning Co.	Soft Water Supplies	125.14
Dan's Sanitation	Sanitation Fees	11,538.60
Davis Energy, Inc.	Fuel	8,829.35
Dawson County Clerk	Dispatch Fees	25,000.00
Dawson County Register of Deeds	Filing Fees	53.00
Dawson Public Power District	Power Purchase	3,951.01
Delp, Terry	EL Rebate	1,800.00
Dutton-Lainson Company	EL Supplies	339.37
Eakes Office Plus	Service Bldg Copies	49.17
Electric Fixture & Supply	ST / Aquatic Center / WR Supplies	232.49
EMS Billing Services, Inc.	Ambulance Service	1,670.90
Eustis Body Shop	Tow Charges	355.00
EZ Liner Industries	Central Garage Supplies	288.32
Farm Plan	Central Garage / WWTP Supplies	191.45
FYR-TEK, Inc.	Fire Dept Supplies	24.10
Gale Group, The	Library Books	172.75
Galls	Uniform Expense	151.92
HD Supply Waterworks	WR Service / Inventory Supplies	10,100.21
Health Claims Fund	Claims	10,680.55
HOA Solutions, Inc.	WWTP Service / Supplies	376.50
Holbein, Dahlas D.	Lawn Service	440.00
Ingram Library Services	Library Books	1,012.25
Jim Phillips Const	Building Demolition	1,000.00
Johnstone Supply	D C Opportunity Center Supplies	89.24
Jones Plumbing & Heating	WR / WWTP Supplies	304.87
Lexington Area Solid Waste Agency	Landfill	1,251.36
Lexington Newspapers, Inc.	Publications	339.89
Lexington Postmaster	Postage	150.00
Lexington, City of	Franchise Fees	32.50
Mac's Short Stop	Food	372.84
Martin Electric, Inc.	WWTP Service	189.00
Matheson Tri-Gas, Inc.	Ambulance Supplies	133.55
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP/Central Garage/Bldg Insp Supplies	375.77
Michael Todd & Co., Inc.	WWTP Supplies	199.69
Nebraska Environmental Products	Central Garage Supplies	1,730.85
Nebraska Power Review Board	Annual Fee	1,262.20
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Power Purchase	1,177,641.16
Overton Sand & Gravel	Gravel	130.63
Paulsen, Inc.	Concrete	109.67
Peak Interests, LLC	Meals	33.00
Platte Valley Auto Mart, Inc.	Central Garage / Bldg Insp Supplies	30.99
Plum Creek Cleaners	Rug Service	294.00
Principal	Dental Premium	1,781.20
Quality Books, Inc.	Library Books	31.63
Randy's Body Shop	Tow Charges	115.00
Rowan, Erik	Cemetery Space Refund	200.00
S & W Auto Parts, Inc.	Central Garage Supplies	1,184.96
Schwan's Sales Ent	Food	77.73
Service Master Mid Nebraska	Cleaning Service	2,204.12
Sign Pro	Fire Dept Supplies	220.00
Snow, Brian	Travel Expense	675.00
Source Gas, LLC	Gas Service	3,434.49
Statewide Collections LLC	Collection Fees	334.57
Steve's Lock & Key	Repair	52.50
Sunshine Filters of Pinellas, Inc.	WWTP Supplies	150.26

T. O. Haas Tire Co., Inc.	Tires	277.65
Thalman, Julie	Cleaning Service	160.00
Total Lawn Care	Lawn Service	3,019.00
U-Save Business Equipment	Bldg Insp Supplies	19.25
USA Bluebook	WR Supplies	1,160.74
USI Education and Government Sales	Laminate Supplies	26.55
Van Diest Supply Company	Insecticide	3,295.00
Wal-Mart	Supplies	64.29
Wilke-Donovan True Value	PK / Cemetery Supplies	639.84
Anderson Graphics	Library Service	44.05
Beringer Ciaccio Dennell Mabrey	D C Opportunity Center-Phase III	4,750.79
Berke, David	Yard Clean-up	75.00
Cash-Wa Distributing	Food	38.95
Central Tire & Tread, Inc.	Tires	76.70
Consolidated Management Company	Police Training Meals	94.00
Dan's Sanitation, Inc.	Sanitation Fees	276.14
Dawson County Transit Bus	Transportation	64.00
Galls	Police Uniform Expense	31.34
Great Plains One-Call Service	Locates	164.56
HD Supply Waterworks	Meters / Supplies	7,523.58
Health Claims Fund	Claims	2,364.53
Konica Minolta Business Solutions	Police / Library / Muni Bldg Copies	775.44
Lexington Animal Clinic	Animal Care	1,042.10
Lexington Health Fund	Self-Funding	33,351.58
Lexington Newspapers	Publications	7.77
Payroll	Wages	140,123.15
Social Security	Employer Portion / FICA Med	10,382.15
First National Bank	Employer Portion / Pension	3,861.56
First National Bank	Police Pension	1,663.70
ICMA	City Manager Pension	443.08
Linda's Stitches & Creations	Police Shirts	526.98
Mac's Short Stop	Food	7.96
Mead Lumber & Rental-Lexington	WWTP Supplies	31.81
Meritain Health	Health Premium	24,530.11
Midwest Laboratories, Inc.	Landfill Testing	3,120.00
Municipal Supply	WR Supplies	815.15
Nebraska Department of Revenue	Sales & Use Tax	50,541.45
Nebraska Library Commission	Annual Library Subscription	2,970.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,231.96
OCLC, Inc.	Library Subscription	23.39
Platte Valley Communication of Kearney	Maintenance / Radio Repair	440.41
Pro Track and Tennis, Inc.	Paint Tennis Courts-1st Pmt.	8,425.00
Rasmussen Mechanical Service	Library Maintenance Contract	1,157.50
Reader's Digest	Library Subscription	13.98
Reiman Publications	Library Subscription	14.98
Steve's Lock & Key	Library Service	90.00
T & R Service	Transformer Disposal	349.00
T. O. Haas Tire Co., Inc.	Tire / Repair	329.19
Team Detail & Quicklube	Vehicle Maintenance	33.99
Tri-County Hospital	Wellness/Ambulance Supplies/Drug Test	997.00
Vision Internet Providers, Inc.	Monthly Hosting Fees	200.00
W. P. C. I.	Drug Test	27.10
	TOTAL CLAIMS:	1,679,386.76

ORDINANCE:

Ordinance No. 2301 entitled "AN ORDINANCE TO VACATE ROADWAY EASEMENT ADJOINING LOT 6, WEST ACRES FIRST

SUBDIVISION; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented on second reading. Weinhold noted that a minor revision had been made since the initial reading. Following discussion and no further public comments, 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 Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2301 was presented on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2301 as amended on final reading, as amended. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

SUBDIVISION REPLAT:

Pepplitsch, on behalf of the City and CRA, presented the Southeast Second Addition, a replat of portions of Kirkpatrick’s Third Addition and Southeast First Addition. He reviewed the proposed lot and street layout of the subdivision and potential uses of the lots. He indicated that the Planning Commission has reviewed and recommended approval of the replat. Resolution No. 2011-30 was presented. Following discussion, moved by Salem, seconded by Miller to approve Resolution No. 2011-30 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2011-30

SOUTHEAST SECOND ADDITION

A REPLAT OF LOTS 2, 3, & 4, KIRKPATRICK’S THIRD ADDITION AND SOUTHEAST FIRST ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of SOUTHEAST SECOND ADDITION, an addition to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 9th day of August, 2011

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a rezoning application for the Southeast Second Addition. Pepplitsch reviewed the proposed zoning for the subdivision; being a mixture of commercial and industrial zones. No public comments were received. The public hearing was closed.

Ordinance No. 2302 entitled “AN ORDINANCE TO REZONE SOUTHEAST SECOND ADDITION, TO C-3, M-1 AND M-2 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. Moved by Miller, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

Ordinance No. 2302 was presented on final reading. Moved by Miller, second by Tomasek, to approve Ordinance No. 2302 as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2304, entitled “AN ORDINANCE TO VACATE HEARTLAND ROAD AND HEARTLAND STREET ADJOINING LOT 9 AND LOT 10, SOUTHEAST SECOND ADDITION; TO PROVIDE THAT THE VACATED STREET BE RETAINED BY THE CITY OF LEXINGTON AS AN ACCESS AND UTILITY EASEMENT; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Following discussion, moved by Bennett, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

Ordinance No. 2304 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2304 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

AIRPORT AUTHORITY:

Pepplitsch presented Resolution 2011-31, allocating levy authority to the Airport Authority for Fiscal Year 2012. Following discussion, moved by Bennett, seconded by Tomasek, to approve the resolution as presented. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

RESOLUTION NO. 2011-31

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$120,000.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2011-2012.

Passed and approved this 9th day of August 2011.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PAY REQUEST:

Pepplitsch presented Pay Request #4 from Central Contracting for the Opportunity Center Phase 3 project in the amount of \$104,698.80. Following discussion, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting ‘aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

PAY REQUEST/CLOSEOUT:

Dana Daniels presented Pay Request #1 (Final) from Paulsen, Inc. in the amount of \$216,028.90 for the Frontier Street Intersection project. He also presented Change Order #1 and the Certificate of Substantial Completion for the project. Following discussion, moved by Miller, seconded by Bennett, to

approve Change Order #1 and Certificate of Substantial Completion as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

Moved by Miller, seconded by Salem, to approve Pay Request #1 (Final) as presented. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2303 entitled "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO PROHIBIT PARKING ON THE SOUTH SIDE OF 5TH STREET FROM GRANT TO JEFFERSON STREET, AND ON THE WEST SIDE OF JEFFERSON STREET FROM 5TH STREET ONE-HALF BLOCK SOUTH TO ALLEY; TO REPEAL ORIGINAL SECTION 16-45 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 presented. Peplitsch noted that this is a requirement per an agreement with NDOR for the Ash-Jefferson Improvement project. Following discussion, moved by Miller, seconded by Tomasek, to suspend the rules requiring the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

Ordinance No. 2303 was presented on final reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2303 as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

APPOINTMENT:

Fagot proposed the appointment of Whitney Davis to the Tree Board, fulfilling a vacant term through December 2013. Moved by Miller, seconded by Bennett, to approve the appointment of Whitney Davis to the Tree Board as proposed. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

FY 2012 BUDGET:

Peplitsch reviewed a draft Fiscal year 2012 budget proposal. Following discussion, no action was taken.

ROUNDTABLE:

Peplitsch requested Council Planning Session dates for discussion.

Burnside gave an update on the 13th Street Improvement project.

Weinhold noted that he will be absent from the August 23 Council 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