

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 12, 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 the Lexington Clipper-Herald and Kearney Hub. Also present were Susan Bennett, Terrie Baker, Jim Lauby, Darrell Bliven, and Jim Macias.

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 6-28-2011 Minutes of the Regular meeting held Tuesday, June 28, 2011, 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.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,664,823.78 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$298,394.10 from the General Fund, \$50,148.75 from TIF, \$1,286,696.31 from LEXUS, \$10,000.00 from Sanitation, \$1,425.50 from Landfill, \$5,900.30 from Ambulance Fund, \$8,459.81 from Health Fund, and \$3,799.01 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
July 12, 2011**

Alamar Uniform Co.	Uniform Expense	152.78
All Points Cooperative	Fuel / Propane / Weed Spray	1,391.33
Anderson Graphics	Rec / Lib / Bldg Insp Service	1,494.40
Awards Unlimited	Rec Supplies	305.15
Barco Municipal Products	ST Supplies	55.53
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center-Phase III	4,924.01
Better Homes and Gardens	Book	30.91
Bliven Construction	PK Wind Damage Repair	1,324.37
Cash-Wa Distributing	Food / Supplies	2,720.63
Central Garage Fund	Fuel	14,756.28
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages / Supplies	1,551.00
Community Redevelopment Authority	Purchase 5 Lots	50,148.75

Consolidated Management Company	Police Training Meals	98.50
Culligan Water Conditioning Co.	Soft Water Supplies	272.81
Dan's Sanitation	Sanitation Fees	11,538.60
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel / Oil	8,627.85
Dawson County Register of Deeds	Filing Fees	92.50
Dawson County Transit Bus	Transportation	80.00
Dawson County Treasurer	Annual GIS Mapping	3,500.00
Dawson Public Power District	Power Purchase	3,415.78
Demco	Library Supplies	204.44
Diamond Vogel Paint	PK Supplies	111.02
Dos Mundos	Library Subscription	45.00
Dugan Business Forms	Utility Bills	1,438.72
Eakes Office Plus	Library Supplies	187.03
Ed Roehr Safety Products	Police Supplies	171.51
Egan Supply Company	ST Supplies	30.84
Electronic Systems, Inc.	GGC Alarm System Service	90.00
Eustis Body Shop	Tow Charges	500.00
Farm Plan	WWTP Supplies	325.04
Fastenal	WR / ST Supplies	630.12
Gale Group, The	Library Books	235.58
Galls	Uniform Expense	61.65
Gnirk Lawn Care, Inc.	Ground Sterilant	2,166.30
Graphic Arts Shop	Police Office Supplies	395.00
Health Claims Fund	Claims	3,615.13
Holbein, Dahlas D.	Lawn Service	550.00
Hometown Brand Center	EL Incentive Program	570.00
Ingram Library Services	Library Books	349.23
JEO Consulting Group, Inc.	Park / Rec Master Plan	2,750.00
Jerry Baker	Library Book	37.75
Jones Plumbing & Heating	ST/PK/WWTP/WR/Muni Bldg Spls/Rep/Svc	2,139.32
Kelly Supply Company	WWTP Supplies	80.42
Lexington Animal Clinic	Animal Care	989.38
Lexington Area Solid Waste Agency	Landfill	1,197.00
Lexington Glass Co., Inc.	Rec Repair	127.04
Lexington Health Fund	Self Funding	33,080.08
Lexington Newspapers, Inc.	Publications	21.26
Lexington Postmaster	Postage	150.00
Lexington, City of	Franchise Fees	78.14
Little Caesars	Meals	35.27
Mac's Short Stop	Food	110.93
Matheson Tri-Gas, Inc.	Ambulance Supplies	70.00
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP / ST / Aquatic Center Supplies	336.48
Meritain Health	Health Premium	23,622.86
Municipal Automation & Control	WWTP Motor Installation	751.09
Municipal Supply	WR Supplies	1,308.66
Nebraska Amateur Softball Association	St Softball Tournament Fees / Supplies	3,944.00
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Power Purchase	1,052,356.87
Oxmoor House	Library Book	36.91
Paulsen, Inc.	Concrete	706.62
Peak Interests, LLC	Meals	56.00
Platte Valley Communication of Kearney	Maint/Well Radios/ST/AC Rep/Fire Spls	20,913.93
Plum Creek Market Place	Food	78.58
Plum Creek Promotions	St Softball Tournament / Fun Run Shirts	4,346.54
Principal	Dental Premium	1,781.20

Quality Books, Inc.	Library Books	14.95
Resource Management Co., Inc.	Pick up Tires	332.00
Sargent Drilling Co.	WR Service	365.55
Schwan's Sales ENT	Food	51.78
Service Master Mid Nebraska	Cleaning Service	2,124.12
Source Gas, LLC	Gas Service	5,947.15
Statewide Collections LLC	Collection Fees	166.61
T. O. Haas Tire Co., Inc.	Repair	190.07
Team Detail & Quicklube	Car Washes / Uniform Repair	109.46
Teledyne Isco, Inc.	WWTP Supplies	517.50
Thalman, Julie	Cleaning Service	160.00
Thomas Bouregy & Company, Inc.	Library Books	139.50
Total Lawn Care	Lawn Service	3,124.00
Tri-City Tribune	Publications	80.00
U-Save Business Equipment	GGC / Bldg Insp Supplies	20.16
Unisan Products	Library Supplies	122.09
Vision Internet Providers, Inc.	Monthly Hosting Fees	400.00
Wal-Mart	Supplies	116.37
Weekly Bulletin, The	Subscription	175.00
Wei, Lu	Vendor Permit Refund	200.00
Wolf, Tracy	Conference	121.44
Ameri-Kart Corporation	PK Supplies	157.85
American Red Cross-Ft. Kearney Chapter	Red Cross Lessons	65.00
Berke, David	Yard Clean-up	500.00
Cash-Wa Distributing	Food & Supplies	2,397.59
Coca-Cola/Dr Pepper Bottling of Kearney	Beverages	30.00
Consolidated Management Company	Police Training Meals	80.00
Dan's Sanitation, Inc.	Sanitation Fees	4,238.94
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	443.10
Diamond Vogel Paint	ST Marking Paint	2,242.50
Dutton-Lainson Company	Meter Supplies	112.98
EMS Billing Services, Inc.	Ambulance Service	1,665.51
Farm Plan (Landmark Implement)	Central Garage Supplies	421.13
Fastenal	WWTP Supplies	17.21
Fox Bros. Hay Co., Inc.	Wood Grinding Service	3,338.63
Gnirk Lawn Care, Inc.	Ground Sterilant	368.00
Great Plains One-Call Service	Locates	275.19
Haines, Richard	Downtown Revitalization-Phase II	6,308.45
Health Claims Fund	Claims	3,063.48
Lexington Newspapers	Publications	241.73
Lexington Truck & Auto, Inc.	Central Garage Supplies	75.00
Lexington Volunteer Fire Dept.	Ambulance Fees	3,104.45
Payroll	Wages	149,905.70
Social Security	Employer Portion / FICA Med	11,131.17
First National Bank	Employer Portion / Pension	3,774.77
First National Bank	Police Pension	1,785.50
ICMA	City Manager Pension	443.08
Lien, Inc.	Muni Bldg Sprinkler System / Irrigate Lawn	2,225.00
Mead Lumber & Rental-Lexington	Cemetery Supplies	16.29
Michael Todd & Co., Inc.	ST Supplies	364.52
Midwest Laboratories, Inc.	Landfill / WWTP Testing	4,242.90
Moore Medical LLC	Ambulance Supplies	789.68
Municipal Supply	WR Supplies	169.45
Nebraska Association of Senior Citizens	Conference Registration	100.00
Nebraska Department of Revenue	Sales & Use Tax	50,733.19
Nebraska Environmental Products	WWTP Jetter Nozzle	1,462.68

Northern Tool & Equipment Co. Paulsen, Inc.	ST Supplies Concrete/Gravel/Addl Paving Ash-Jefferson St PJ	219.98 25,846.21
Plum Creek Cleaners	Rug Service	246.50
Plum Creek Market	Food	50.64
Presto-X	Bldg Dept Service	65.00
Price's Tree Service, Inc.	Stump Removal	750.00
Roberts Dairy Company	Beverages / Food	333.88
S & W Auto Parts, Inc.	Central Garage	371.54
Schwan's Sales Ent	Food	26.55
Smith, Madison	Contest Winner	25.00
Sport Supply Group, Inc.	PK Supplies	92.88
Sund, Dennis	1/2 of Boots	16.23
T. L. Sund Constructors, Inc.	Boring Service	500.00
Tagge, Darold	ST Contractual Expense	42.00
Thompson Co., The	Food & Supplies	972.99
U-Save Business Equipment	GGC / Bldg Dept Supplies	53.96
UNO NE Certified Public Manager Prgrm	Tuition / Brecks	1,513.50
Utility Service Co., Inc.	1st Q Pmt for WR Tower Service	26,211.02
Village Uniform	GGC / Aquatic Center Supplies	113.20
Wal-Mart	Supplies	164.41
	TOTAL CLAIMS:	1,664,823.78

ORDINANCE:

Ordinance No. 2299 entitled "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO ALLOW PARKING ON TAFT STREET FROM 5TH STREET TO 13TH STREET; 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 on second reading. No public comments had been received regarding the ordinance. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate readings. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2299 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2299 as presented on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2300 entitled "AN ORDINANCE TO ESTABLISH BUSINESS LICENSES AND REGULATIONS AS CHAPTER 13 OF THE LEXINGTON CITY CODE; PROVIDE REGULATION OF VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented on second reading. Peplitsch highlighted the changes to the current street vendor ordinance, including additions, exemptions, prohibited conduct, prohibited areas along Plum Creek Parkway, and penalties for violating nuisance codes, as well as placing the ordinance in Chapter 13 of the City Code. He explained that this chapter is intended to include other business licenses.

Darrell Bliven and Jim Lauby, Central Nebraska Wholesale Fireworks, appeared before the Council to request a variance for a fireworks stand located on a property along the Highway 283 corridor. Discussion included property maintenance at the proposed site, access to the property, state regulations

regarding licensing of firework stands, economic development in the area, and a buffer area along Highway 283. Following discussion, Council requested firework stands to be included as an exemption of the vendor requirements.

Council directed Staff to identify various buffer zones along the corridor for discussion at the next city council meeting. No action was taken on the ordinance.

PAY REQUEST:

Peplitsch reviewed Pay Request #3 from Central Contracting for the Opportunity Center Phase 3 project in the amount of \$165,196.80. Following discussion, moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting 'aye' were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

There were no topics for Roundtable discussion.

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