

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 14, 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 Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Diane Adams, Hardy Moreno, and Jose de Jesus Bravo.

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 5-24-2011 Minutes of the Regular meeting held Tuesday, May 24, 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 \$1,854,823.47 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 \$709,543.61 from the General Fund, \$4,166.67 from ED Reuse, \$1,110,366.97 from LEXUS, \$10,000.00 from Sanitation, \$3,187.33 from Ambulance Fund, \$11,632.38 from Health Fund, and \$5,926.51 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
June 14, 2011

Accucut Systems	Library Supplies	237.54
All Points Cooperative	Fuel/Weed Killer/Propane/WWTP	761.98
Annie's Attic Books	Library Book	18.94
Arnold Pool Company	Aquatic Center Supplies	269.85
Associated Pool Builders, Inc.	Aquatic Center Maint. & Repair	895.00
Assn of State Floodplain Managers,	Exam / Membership	340.00
Audio Editions	Library CD Books	74.95
Baird Holm LLP	2011 CU Bond Counsel Services	3,300.00
Barco Municipal Products, Inc.	WR Supplies	862.74
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center-Phase III Service	5,074.59
Berke, David	Yard Clean-up	422.50
Better Homes and Gardens	Library Book	31.91
Bloomberg Businessweek	Library Subscription	65.00

Cash-Wa Distributing	GGC/AC/Rec/Serv Bldg Food & Supplies	11,297.39
CBS Constructors	Stadium Seats & Supplies	1,122.00
Central Garage Fund	Fuel	11,925.79
Coca Cola/Dr Pepper Bottling Krny	Aquatic Center / Rec Beverages	3,346.20
Commercial Maintenance Chemical	WWTP Supplies	842.86
Conney Safety Products	PK / Cemetery Supplies	1,125.71
Consolidated Management Co	Police Training Meals	159.50
Culligan Water Conditioning Co.	Soft Water Supplies	211.28
Dan's Sanitation	Sanitation Fees	13,316.22
Data-Pak	Mailing Systems Postage	1,500.00
Davis Energy, Inc.	Fuel	12,849.44
Dawson County Register of Deeds	Filing Fees	31.00
Dawson County Transit Bus	Transportation	56.00
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	3,214.75
Demco, Inc.	Library Supplies	52.05
Depository Trust Co.	2009 CU Refunding Bond/2008 GO Bond	232,136.25
Diamond Vogel Paint	ST Supplies	1,473.00
DXP Enterprises, Inc.	WWTP Supplies	69.21
Eakes Office Plus	Copier Rent/Copies/Libr/Muni Bldg Spls	811.11
Egan Supply Company	ST / Muni Bldg / DC Opp Center Supplies	240.70
Electric Fixture & Supply Co.	EL / St Supplies	569.33
EMS Billing Services, Inc.	Ambulance Service	1,086.21
Fagot Refrigeration & Electric	DT Revitalization Ph II/AC/WWTP Serv	6,625.27
Farm Plan	WWTP Supplies	219.00
Fastenal	WR Supplies	89.91
Fed-Ex	Delivery Fee	80.68
FYR-TEK	Fire Repair / Supplies / Uniform Expense	9,843.16
Gale Group, The	Library Books	117.13
Galls	Fire Dept Uniform Expense	791.79
Gonzalez, Diane	Lifeguard Class Reimbursement	105.00
Great Plains One-Call Service	Locates	158.50
H. O. Smith Co.	DT Revitalization Ph II / Title Certificates	250.00
Hach Company	Testing Supplies	113.34
HD Supply Waterworks	WR Meters / Maintenance Supplies	7,991.78
Health Claims Fund	Claims	6,712.83
Holbein, Dahlas D.	Lawn Care	515.00
Holiday Inn	Fire School	3,630.00
Ingram Library Services	Library Books	970.91
Jakes Toro Sprinklers	Aquatic Center Sprinkler Repair	1,110.99
Jones Plumbing & Heating, Inc.	WR/WWTP Spls/Dewinterize AC/PK Bldgs	4,516.86
Knapp Electric, Inc.	WWTP Pump Repair	2,200.23
Lawson Products, Inc.	ST Supplies	167.57
Lexington Animal Clinic	Animal Care	1,268.86
Lex Area Solid Waste Agency	Landfill	963.00
Lexington Family Eyecare	Safety Glasses	516.00
Lexington Glass Co., Inc.	Police Door Exit Device	1,250.00
Lexington Health Fund	Self-Funding	32,735.51
Lexington Newspapers, Inc.	Publications	629.61
Lexington Postmaster	GGC Postage	150.00
Lexington Public Schools	Rec Food	346.84
Lexington Volunteer Fire Dept.	Fire School	5,426.87
Lexington, City of	Franchise Fees	63.78
Payroll	Wages	123,368.04
Social Security	Employer Portion / FICA Med	9,102.44
First National Bank	Employer Portion / Pension	3,764.83
First National Bank	Police Pension	1,531.84

ICMA	City Manager Pension	443.08
Lien, Inc.	Arbor Day Tree	400.00
Lincoln Winwater Works	WR Supplies	299.60
Linda's Stitches & Creations	PK / Cem / ST Shirts	334.72
Little Caesars	Food	17.99
Mac's Short Stop	Rec/AC/Muni Bldg Food & Supplies	435.30
Mandelko, Patty	Lifeguard Class Reimbursement	105.00
Matheson Tri-Gas, Inc.	Ambulance Supplies	120.10
Matt Parrott and Sons Company	UTL Envelopes	848.95
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP/St/Cem/AC/Bldg Insp Supplies	494.11
Meritain Health	Health Premium	23,450.63
Municipal Emergency Services	Ambulance Supplies	300.00
Mick's Platte Valley Glass	Muni Bldg Window Repair	259.00
Mid-American Research Chemical	PK / Cem / ST Supplies	198.03
Midland Scientific, Inc.	WWTP Supplies	97.14
Midwest Striping, Inc.	ST Marking Paint	4,858.00
Miller & Associates, Inc.	Spruce & Elm ST Paving/13th ST Imp	66,234.92
Minutemen Football Fundraiser	Community Clean-up	600.00
Moore Wallace	Police Supplies	581.76
Morris Press	GGC Service	75.43
Municipal Supply Co.	WR Supplies	4,272.32
National Council on Aging	Membership Dues	145.00
NE Dept Economic Development	Mid Plains CDBG Pmts	4,166.67
Nebraska Manufacturers Register	Library Book	89.00
Nebraska Public Power District	Power Purchase	786,184.35
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Sub T Relocate Credit	-4,276.80
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,324.86
Oriental Trading Company, Inc.	Library Supplies	69.99
Original Watermen	Aquatic Center Supplies / Swimsuits	2,004.64
Overton Sand & Gravel	Road Gravel	115.38
Oxmoor House	Library Book	36.91
Paulsen, Inc.	Concrete	504.48
Pinnacle Agency, The	Property Insurance	118.00
Platte Valley Comm of Kearney	Mo Maintenance	90.00
Plum Creek Cleaners	Rug Service	191.00
Plum Creek Market Place	GGC Food	82.57
Plum Creek Promotions	Rec T-shirts	247.25
Presto-X	Fire Dept Service	83.00
Principal	Dental Premium	1,781.20
Pumpkin Books	Library Books	272.13
Roberts Dairy Company	Beverages	377.29
S & W Auto Parts, Inc.	ST / Aquatic Center Supplies	62.67
Schwan's Sales Ent	Aquatic Center Food	197.28
Service Master Mid Nebraska	Cleaning Service	2,982.87
Sign Pro Bldg	Insp Display	120.00
South Central NE Baseball League	Rec Fees	150.00
Source Gas, LLC	Gas Service	7,133.12
Statewide Collections, LLC	Collection Fees	355.39
Sterling West	PK Supplies	1,118.96
Steve's Lock & Key	GGC Repair	63.00
Subway Sandwiches & Salads	Food	40.18
T. O. Haas Tire Co., Inc.	Repair	358.37
Technical Maintenance & Service	WWTP Service	330.00
Thalman, Julie	Cleaning Service	160.00
Thompson Co., The	Food & Supplies	728.90

Total Lawn Care	Lawn Care	3,425.00
Tri-County Hospital	Wellness / Drug Test	175.00
Tyler Technologies	Training / Inventory / UTL Scanner	2,587.50
U-Save Business Equipment	Library/Police/Fire Supplies/Postage/UPS	332.27
Upstart	Library Supplies	130.75
USA Bluebook	WWTP Supplies	551.37
Village Uniform	GGC Supplies	15.70
Vision Internet Providers, Inc.	Monthly Hosting Fee	200.00
W P C I	Drug Test	27.10
Wal-Mart	Supplies	1,615.58
Weathercraft Companies, Inc.	Police Door Repair	237.50
American Red Cross	Lifeguard Training Material	835.80
Berke, David	Yard Clean-up	70.00
Brim, Phyllis	Ambulance Refund	110.66
Bryan, Sue	EL Rebate	1,050.00
Cash-Wa Distributing	Rec / Aquatic Center Food	667.06
Consolidated Management Co	Police Training Meals	98.50
Davis Energy, Inc.	Fuel	1,523.05
Fagot Refrigeration & Electric	Civil Defense / WWTP Repair	247.85
Farm Plan	Central Garage Supplies	34.20
HD Supply Waterworks	WR Meter Supplies	107.51
Health Claims Fund	Claims	3,076.25
Holbein, Dahlas D.	Yard Clean-up	30.00
Lexington, City of	WR/EL/Stormwater Prtn-Sign at DCOC	36,000.00
Payroll	Wages	140,745.27
Social Security	Employer Portion / FICA Med	10,431.76
First National Bank	Employer Portion / Pension	3,663.09
First National Bank	Police Pension	1,690.25
ICMA	City Manager Pension	443.08
Little Caesars	Food	19.98
M & J Signs	Electronic Message Sign at DCOC	81,337.10
Mac's Short Stop	Food	58.32
Miller & Associates, Inc.	Frontier St/Hwy 283 Imp/FEMA Evaluation	5,251.54
Nebraska Department of Revenue	Sales & Use Tax	39,737.03
OCLC, Inc.	Library Subscription	22.06
Plum Creek Market Place	GGC Food	42.94
Reiman Publications	Library Subscription	12.98
Roberts Dairy Company	Beverages & Food	169.20
Schwan's Sales Ent	Food	50.97
Snow, Brian	Travel Expense	275.40
T. O. Haas Tire Co., Inc.	Tire Repair	88.04
Thompson Company, The	Food & Supplies	1,262.67
U-Save Business Equipment	Postage / UPS / ST / GGC Supplies	91.39
Vazquez, Edvardo	EL Rebate	1,025.00
Village Uniform	GGC / Aquatic Center Supplies	60.70
Wal-Mart	Supplies	567.99
	TOTAL CLAIMS:	1,854,823.47

HOUSING AUTHORITY PILOT: Diane Adams, Lexington Housing Authority, requested a waiver of the Payment in Lieu of Taxes agreement with the City of Lexington. Following discussion, moved by Miller, seconded by Salem, to approve a waiver of the PILOT agreement for the fiscal year as requested. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**WEST CENTRAL AREA
AGENCY ON AGING:**

Pepplitsch reviewed an operating agreement with WCAAA for the Meals Program for the Grand Generation Center for FY 2012. Following discussion, moved by Miller, seconded by Tomasek, to approve the contract as presented and authorizes the mayor to execute the required documents. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

LICENSE ADDITION:

Pepplitsch presented an application by San Pedro Mexican Restaurant to extend their current liquor license to include an outdoor patio. Jose de Jesus Bravo appeared on behalf of the business. With interpreter assistance by Hardy Moreno, he responded to questions regarding the application. Following discussion, moved by Salem, seconded by Tomasek, to recommend approval of the application as presented. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

REZONING:

Fagot opened a public hearing to consider an application to rezone the Northwest Fourth Addition to RP-3 Planned Residential District. Pepplitsch reviewed a conceptual site plan for a 55+ housing project that is intended to occupy the entire area of the subdivision. He indicated that the zoning change to planned residential is needed to allow for variation from building setback requirements, street widths, and allow for condominium development. Following discussion, the public hearing was closed.

An Ordinance entitled “AN ORDINANCE TO REZONE LOT 1, BLOCK 1, NORTHWEST FOURTH ADDITION FROM R-3 MULTI-FAMILY RESIDENTIAL TO RP-3, PLANNED MULTI-FAMILY RESIDENTIAL 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 Salem, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2298 was read on final reading. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2298 on Final reading. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

SOUTHEAST FIRST ADDN:

Pepplitsch presented a proposed final subdivision plat named the Southeast First Addition, owned by the Community Redevelopment Authority. He reviewed the layout and history of the property and noted that the Planning Commission has reviewed the request and recommended Council approval. Resolution No. 2011-22 was read. Moved by Miller, seconded by Tomasek, to approve Resolution No. 2011-22 as presented. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-22

SOUTHEAST FIRST ADDITION

A TRACT OF LAND LOCATED ON PART OF THE SOUTHEAST QUARTER OF SECTION 17, THE NORTHEAST QUARTER OF SECTION 20, THE NORTHWEST QUARTER OF SECTION 21, AND THE SOUTHWEST QUARTER OF SECTION 16, BOTH IN TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE 6TH P.M. DAWSON COUNTY, NEBRASKA.

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

The plat of SOUTHEAST FIRST 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 14th day of June, 2011.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ANNEXATION:

Fagot opened a public hearing to consider the annexation of lands within the Southeast First Addition. Following discussion on the annexation process and issues related to the property in question, the public hearing was closed. Resolution No. 2011-23 was read. Following discussion, moved by Salem, seconded by Bennett, to approve Resolution No. 2011-23 as presented. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

RESOLUTION NO. 2011-23

ANNEXATION OF SOUTHEAST FIRST ADDITION

A TRACT OF LAND LOCATED ON PART OF THE SOUTHEAST QUARTER OF SECTION 17, THE NORTHEAST QUARTER OF SECTION 20, THE NORTHWEST QUARTER OF SECTION 21, AND THE SOUTHWEST QUARTER OF SECTION 16, BOTH IN TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE 6TH P.M. DAWSON COUNTY, NEBRASKA.

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

That SOUTHEAST FIRST ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED June 14, 2011.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

CARC REPORT:

Mayor Fagot opened a public hearing to receive a report from the Citizens Advisory Review Committee on the activity and operation of the Lexington Economic Development Program. On behalf of the committee, Peplitsch indicated that there were no committee findings or recommendations at this time. Following discussion, the public hearing was closed. Moved by Bennett,

seconded by Tomasek, to accept the Citizens Advisory Review Committee report as presented. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested approval of Pay Request #2 from Central Contracting for the Dawson County Opportunity Center Phase 3 project in the amount of \$137,080.00. Following discussion, moved by Miller, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting ‘aye’ were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch and Burnside gave current project updates. Pepplitsch noted that potential dates for a planning session in July will be sent to Council and Staff.

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