

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 10, 2011, 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, Linda Miller and John Salem. Councilmember Joni Bennett was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Building Inspection Bill Brecks, Finance Director Barb Hodges, and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Yanet Ibarra, Raul Contreras, Ruben Lopez-Razo, Clemente Gonzalez, Angel Murillo, Gaspar Ajiatal, Guillermo Escobar, Karl and Patsy Lowry, and other interested citizens.

**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 4-26-2011** Minutes of the Regular meeting held Tuesday, April 26, 2011, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING 4-29-2011** Minutes of the Special meeting held Tuesday, April 29, 2011, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,332,011.25 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$213,584.38 from the General Fund, \$12,500.01 from ED Reuse, \$1,072,075.11 from LEXUS, \$10,000.00 from Sanitation, \$2,875.60 from Ambulance Fund, \$15,870.49 from Health Fund, and \$5,105.66 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Salem, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
May 10, 2011

Alamar Uniform Co.	Police Uniform Expense	152.68
All Points Cooperative	Fuel / Fertilizer	4,599.74
Ameri-Kart Corporation	PK Supplies	115.33
Anderson Graphics	Library Service	84.65
Arrow Seed Company, Inc.	PK / Cem Grass Seed	278.32
Associated Pool Builders, Inc.	Aquatic Center Maint. & Repair	9,117.72
Awards Plus	Fire Supplies	60.00
Barco Municipal Products	WR Supplies	234.57

Beringer,Ciaccio,Dennell,Mabrey	DCOC-Phase III Service	4,973.23
Cash-Wa Distributing	Srv Bldg/DCOC/GGC Supplies & Food	2,374.51
Central Garage Fund	Fuel	12,472.96
Central Tire & Tread, Inc.	WWTP Tires / Repair	205.02
CocaCola/Dr Pepper Bottling Krny	Rec/GGC Beverages	829.60
Commercial Maint Chemical Corp	WWTP Supplies	833.86
Country Sampler	Library Subscription	18.00
Culligan Water Conditioning Co.	Soft Water Supplies	216.21
Dan's Sanitation	Sanitation Fees	13,168.36
Davis Energy, Inc.	Fuel	5,129.50
Dawson County Register of Deeds	Filing Fees	32.00
Dawson Pest Control	GGC Service	36.75
Eakes Office Plus	Library / Serv Bldg Supplies	154.99
EMS Billing Services, Inc.	Ambulance Service	1,829.94
Farm Plan	Central Garage Supplies / PK Equipment	983.62
Fastenal	PK / Cem Supplies	83.67
Gale Group, The	Library Books	151.15
Galls	Police Uniform Expense	187.88
HD Supply Waterworks	WR Meter Supplies	19,242.12
Health Claims Fund	Claims	11,638.96
Heiman Fire Equipment, Inc.	Fire Supplies	487.35
Holbein, Dahlas D.	Lawn Care	385.00
International City Management Assn	Membership Dues	1,283.20
Ingram Library Services	Library Books	411.86
Jones Plumbing & Heating, Inc.	Muni Bldg/ WR/WWTP Supplies & Service	1,316.99
K-Lawn	Fertilizer / Insecticide Application	56.85
Kelly Supply Company	WWTP Supplies	130.66
Knapp Electric, Inc.	WWTP Pump Rebuild	1,375.00
Kratzer Electric, Inc.	Scoreboard Repair	170.68
Lawson Products, Inc.	ST Supplies	177.23
Lexington Animal Clinic	Animal Care	955.40
LASWA	Landfill	1,268.28
Lexington Health Fund	Self-Funding	32,735.51
Lexington Newspapers, Inc.	Publications	221.37
Lexington Postmaster	GGC Postage	150.00
Lexington, City of	Franchise Fees	58.50
Payroll	Wages	107,276.33
Social Security	Employer Portion / FICA Med	7,871.52
First National Bank	Employer Portion / Pension	3,580.20
First National Bank	Police Pension	1,682.63
ICMA	City Manager Pension	433.84
Lincoln Winwater Works	Meter Supplies	2,703.46
Matheson Tri-Gas, Inc.	Ambulance Supplies	70.00
Matt Parrott and Sons Co.	Business Office Supplies	236.64
Mead Lumber & Rental-Lexington	Muni Bldg/Bldg Insp/PK/ST/Fire Supplies	525.65
Menards-Kearney	WR Supplies	359.64
Meritain Health	Health Premium	23,450.63
MicoMarketing, LLC	Library CD Books	305.85
Mid-State Units	Rental	895.00
Midland Scientific, Inc.	WWTP Supplies	259.46
Midwest Door and Hardware	Muni Bldg Doors	563.00
Moore Medical LLC	Ambulance Supplies	790.45
Morris Press	GGC Service	77.87
Municipal Pipe Services, Inc.	WR Supplies	1,000.00
Municipal Supply Co.	WR Meter Supplies	4,601.85
National Geographic En Espanol	Library Subscription	32.00
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Power Purchase	825,278.67
Overton Sand & Gravel	Road Gravel	418.01
Paulsen, Inc.	Concrete	175.48

Peak Interests LLC	Food		28.00
Platte Valley Communications Krny	Maintenance/UTL Office Phone/WR Repair		369.92
Plum Creek Cleaners	Supplies		230.50
Plum Creek Market Place	GGC Food		18.88
Principal	Dental Premium	1,781.20	
Rand Materials Handling	ST Supplies		446.85
Rasmussen Mechanical Services	Library Maintenance Contract		1,157.50
Roberts Dairy Company	Beverages		232.04
Rodale	Library Book		39.94
Run-N-Iron	Police Supplies		40.00
S & W Auto Parts, Inc.	WR / Fire / WWTP Supplies		140.95
Service Master Mid Nebraska	Cleaning Service		2,124.12
Sirchie Finger Print Lab	Police Supplies		106.75
Snow, Brian	Police Uniform Expense		148.65
Source Gas, LLC	Gas Service		7,641.39
Statewide Collections, LLC	Collection Fees	242.78	
Summit Supply Corporation	Table Frames - PK Supplies	3,440.25	
T. O. Haas Tire Co., Inc.	Repair		40.09
Tagge, Darold	ST Contractual Expense		42.00
Thompson Co., The	Food & Supplies		1,306.19
Tri-County Hospital	Wellness	115.00	
U-Save Business Equipment	Muni Bldg / Rec Supplies / Postage / UPS		846.84
Unisan Products	Library Supplies		122.09
Village Uniform	GGC Supplies		88.58
Vision Internet Providers, Inc.	Monthly Hosting Fee		200.00
Wal-Mart	Supplies	1,331.25	
Willard Weinhold Law Offices	Downtown Revitalization - Heat Pump		6,975.00
Cash-Wa Distributing	Food & Supplies		597.03
Dawson County Transit Bus	Transportation	40.00	
Dawson Public Power District	Power Purchase		4,305.66
Demco	Library Supplies		135.95
Diamond Vogel Paint	Ball Field Paint		776.28
Eustis Body Shop, Inc.	Vehicle Repair		105.80
Follett Software Co.	Library Supplies		148.76
FYR-TEK	Fire Dept Supplies	345.67	
Gale Group, The	Library Book		23.99
Galls	Police Supplies		107.74
Great Plains One-Call Service	Locates		165.75
HD Supply Waterworks	WR Meter Supplies		2,213.40
Health Claims Fund	Claims		2,450.33
Jim Phillips Const.	Sidewalk/Cem Fence/WR Meter Pit Repairs		3,417.38
Jones Library Sales, Inc.	Police Shelving		5,906.00
League of Nebraska Municipalities	Conference		370.00
Lexington Glass Co., Inc.	Muni Bldg Windows		789.40
Lexington Newspapers, Inc.	Publication	817.11	
Menards-Kearney	WR Supply Credit	-24.00	
Micromarketing, LLC	Library CD Books	301.87	
NE Dept Economic Development	Mid Plains CDBG Pmts		12,500.01
Nebraska Department of Revenue	Sales & Use Tax		46,705.14
Nebraska Library Commission	Seminar		10.00
Nebraska Public Power District	2011 True-up		38,059.19
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,222.69	
OCLC, Inc.	Library Subscription		27.38
Plum Creek Market Place	GGC Food		47.61
Reader's Digest Large Print Library	Subscription	28.00	
Reiman Publications	Library Subscription		14.98
Roberts Dairy Company	Beverages		140.47
Service Master of Mid Nebraska	Cleaning Service		1,059.66
Thompson Company, The	Food & Supplies		525.49
USA Blue Book	WR Supplies		284.07

Wal-Mart	Supplies	135.54
Weathercraft Companies, Inc.	Muni Bldg Repair	522.74

TOTAL CLAIMS: 1,332,011.25

**ASSESSMENTS:**

Mayor Fagot opened a public hearing for the Council to sit as a Board of Equalization to consider an assessment schedule for Street Improvement District 09-02. Yanet Ibarra was present to interpret. Peplitsch reminded Council and the public of the process to establish the improvement district in 2009 and reviewed the history of the paving project. Peplitsch reviewed the assessment schedule and discussed the project costs the City assumed due to higher than estimated asphalt material prices. According to Burnside, property owners were assessed \$58.64 per frontage foot. Through Ms. Ibarra, several property owners addressed Council and Staff with questions related to payment schedules, notification process, and assessed amounts. Following questions and comments, the public hearing was closed.

**ORDINANCE:**

Ordinance No. 2297 entitled “AN ORDINANCE LEVYING A SPECIAL ASSESSMENT UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE SPECIALLY BENEFITED BY THE IMPROVEMENTS IN IMPROVEMENT DISTRICT 09-02, OF THE CITY OF LEXINGTON, NEBRASKA; TO DEFRAY THE COSTS OF SAID IMPROVEMENTS TO THE EXTENT OF THE SPECIAL BENEFIT TO SUCH LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE BY REASON OF SUCH IMPROVEMENTS AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM” was read. 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, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2297 was read on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2297 on final reading. Roll call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

**SUBDIVISION PLAT:**

Peplitsch presented a subdivision request to replat a portion of the Northwest Third Addition to become the Northwest Fourth Addition. He explained the property in the Northwest Third Addition that was planned for 55+ housing development is undersized; therefore this replat is being proposed to increase the project area from 7.24 acres to 11.54 acres. A conceptual layout of the 55+ housing project was reviewed. The replat will eliminate 14 single family lots and a 600 foot public street; however, more housing units will be able to be accommodated with the change. He noted that the Planning Commission has reviewed the issue and recommended approval. Following discussion, Resolution No. 2011-18 was read. Moved by Miller, seconded by Tomasek, to approve Resolution No. 2011-18. Roll call. Voting “aye” were Salem, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-18  
NORTHWEST FOURTH ADDITION

A Replat of Vacated lots 8-14, Block Six; Vacated lots 1-7, Block Seven; Vacated Freedom Lane as it abuts Blocks Six and Seven; and Vacated Block Eight, all in Northwest Third 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 NORTHWEST FOURTH 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 10th day of May, 2011.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**PAY REQUEST:** Peplitsch reviewed Pay Request #1 from Central Contracting in the amount of \$155,321.10 for the Dawson County Opportunity Center Phase 3 project, and gave a project update. Moved by Miller, seconded by Salem, to approve Pay Request #1 as presented. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch requested agenda topics for the Planning Session scheduled for Saturday, May 21, 2011.

Burnside noted that work has started on the Frontier Street intersection project with a mid-July completion date anticipated. He also reported that a public open house for the 13<sup>th</sup> Street project is scheduled for Wednesday, May 18, 2011 at the Lexington Public Library, as construction is anticipated to start the first full week of June.

**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 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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City Clerk