

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Friday, November 22, 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, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Chief Building Inspector Bill Brecks, and Deputy City Clerk Pamela Berke. The press was represented by KRVN radio, Lexington Clipper-Herald, and Kearney Hub. Others in attendance were Scott Kleeb, Justin Hoff, Dan Smith, Patricia Longly, Carol Helvey, and Sylvia 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 11-4-2011** Minutes of the Regular meeting held Tuesday, November 4, 2011, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1, 0279,733.20 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 \$228,552.51 from the General Fund, \$161,227.22 from TIF, \$4,166.67 from ED Reuse, \$581,910.11 from LEXUS, \$29,466.76 from Sanitation, \$2,743.14 from Ambulance Fund, \$14,825.56 from Health Fund, and \$6,841.23 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  
November 22, 2011

AFLAC	Premium	1,200.99
American Public Works Association	Membership Dues	246.00
Annie's Attic Books	Library Book	19.94
Area Services	D C Opportunity Center Service	177.50
Audio Editions	Library Supplies / CD Books	611.01
Axis Capital, Inc.	Mail Machine Pmt	840.00
Barco Municipal Products, Inc.	ST Supplies	1,149.50
Barmore Drug Store Inc.	Ambulance Supplies	97.38
Beringer Ciaccio Dennell Mabrey	D C Opportunity Center-Phase III	861.82
Bradfield, Rollie	1/2 of Boots	59.50
Cash Wa Distributing	Food & Supplies	1,665.01
Central Community College	CPR Recertification - Fire Dept	644.00

Central Garage Fund	Service & Repair	10,348.00
Certified Laboratories	Central Garage Supplies	707.26
Child's World, The	Books	591.30
Community Redevelopment Authority	SE Imp/Commerce Rd/CEL-TIF/Ford&Ford	138,375.46
Conney Safety Products	SW Supplies	19.80
Consolidated Management Company	Police Training Meals	213.50
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	5,306.15
Dawson County Register of Deeds	Filing Fees	30.50
Dawson County Transit Bus	Transportation	34.00
Dawson Pest Control	GGC Service	36.75
Dawson Public Power	Power Purchase	3,725.52
Diamond Vogel Paint	ST Supplies	370.90
Eakes Office Plus	Library Supplies	188.54
Electric Fixture & Supply	EL / Library / PK Supplies	1,027.02
EMS Billing Services, Inc.	Ambulance Service	660.60
Eustis Body Shop	Towing Expense	515.00
Exchange Bank	Copier Payments	1,195.44
EZ Street Company, The	Cold Patch / ST Supplies	1,063.44
Fagot Refrigeration & Electric	DTR-Ph II-Family Eyecare Ht Pmp/Furnace	12,019.00
Fastenal	ST Supplies	149.21
Follett Software Co.	Library Supplies	148.76
Gale Group, The	Library Books	141.02
Great Plains One-Call Service	Locates	72.83
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Food	170.93
Health Claims Fund	Claims	10,258.78
Heritage Nebraska Main Street	Membership Dues	450.00
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Holiday Inn Express	Fire Dept Seminar	2,504.40
Ingram Library Services	Library Books	197.00
Jim Phillips Const.	Street/Repairs/ DCOC Parking Lot Repairs	16,612.00
Konica Minolta Business Solutions	Municipal Bldg / Police / Library Copies	775.44
League of Nebraska Municipalities	Membership Dues	396.00
Lerner Publishing Group	Library Books	287.68
Lexington Area Solid Waste Agency	Landfill	847.44
Lexington Newspapers	Publications	723.92
Lexington Regional Health Center	13th St Sprinkler Rep/Wellness/Drug Screen	5,318.16
Lexington Volunteer Fire Dept.	Annual Conference	3,598.60
Lexington, City of	UTL Portion Copy Mach/Annl Interdept Fee	407,091.50
Payroll	Wages	112,603.16
Social Security	Employer Portion / FICA Med	8,288.48
Union Bank & Trust	Employer Portion / Pension	3,648.20
Union Bank & Trust	Police Pension	1,756.27
ICMA	City Manager Pension	454.62
Linda's Stitches and Creations	Police Uniforms	332.42
Lundeen-Isaacson, Inc.	Fire Dept Group Life Insurance	3,997.50
M & J Signs	DC Opportunity Center Sign Supplies	3,353.57
Marshall Cavendish Corporation	Library Books	781.35
Matt Parrott And Sons Co.	Business Office Supplies	417.99
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental - Lexington	ST / Muni Bldg / Bldg Insp / PK Supplies	305.98
Midwest Laboratories, Inc.	SW Testing Supplies	1,508.10
Miller & Associates, Inc.	NW Senior Housing / Pro Service	6,263.76
Money Handling Machines, Inc.	Service Agreement Renewal	495.00
Mr. Automotive	Central Garage Supplies	20.96
Municipal Supply	SW / WR Supplies	2,050.31
National Civic League	Membership Dues	100.00

Nebraska Dept of Economic Development	Mid Plains CDBG Pmt	4,166.67
Nebraska Machinery	Central Garage Supplies	5,085.36
Nebraska Recreation & Park Association	Membership Dues	50.00
Nebraska Statewide Arboretum	Membership Dues	100.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,194.91
OCLC, Inc.	Library Subscription	25.61
Overton Community Center	Meals on Wheels	100.00
Overton Sand & Gravel	Road Gravel / White Rock	1,156.69
Oxmoor House	Library Book	42.91
Paulsen, Inc.	Concrete	2,430.28
Peak Interests LLC	Meals	28.00
Pinnacle Agency, The	Vehicle Add / WC Audit Premium	3,202.00
Platte Valley Communication of Kearney	Radio / Pager Repair / Maint	314.68
Plum Creek Cleaners	Rug Service	270.00
Plum Creek Market Place	Food	53.07
Progressive	Ambulance Refund	102.84
Roberts Dairy Company	Beverages	749.17
Rose Equipment, Inc.	Skid Mount Jetter	49,404.00
Rourke Publishing Group	Library Books	334.95
S & W Auto Parts, Inc.	ST / Fire Dept / Central Garage Supplies	608.95
Security First Bank	Wilkinson Dev-TIF Pmt	22,851.76
Service Master Mid Nebraska	Cleaning Service	7,880.37
Sign Pro	DC Opportunity Center/ST/Bldg Insp Signs	992.40
Statewide Collections LLC	Collection Fees	683.39
Superior Signals, Inc.	Central Garage Supplies	53.44
T & R Service	Transformer Disposal	2,400.00
TASC	Fees	364.67
Team Detail & Quicklube	Car Washes	47.98
Thomas Bouregy & Company, Inc.	Library Books	139.50
Thompson Company, The	Food & Supplies	3,869.52
U-Save Business Equipment	UPS Chgs/Postage/ST/Library/WWTP Spls	820.44
Unisan Products	Library Supplies	122.09
UpBeat Inc.	DC Opportunity Center Trash Cans	1,369.05
Vision Internet Providers, Inc.	Monthly Hosting Fees	403.86
W P C I	Policy Update / Drug Test	125.00
Wal-Mart	Supplies	616.75
Aesseal, LLC	Sludge Pumps	652.52
American Water Works Association	Membership Dues	295.00
Business Card	Muni Bldg/DCOC/Bldg Insp/PK/ST/Cem Spls/Conf	4,307.22
Card Center/Orscheln	WWTP / ST / Cem / WR Supplies	874.68
Consolidated Management Company	Police Training Meals	134.25
Dan's Sanitation, Inc.	Sanitation Fees	29,466.76
Dell Marketing L P	Admin Computer	958.30
Demco, Inc.	Library Supplies	83.26
Electric Fixture & Supply	WWTP Supplies	59.40
Galls	Police Supplies	624.99
Great Western Bank-City Petty Cash	Meal / Postage / Testing Supplies	21.39
Hach Company	WWTP Testing Supplies	149.48
Health Claims Fund	Claims	2,841.12
Ingram Library Services	Library Books	190.93
Lexington, City of	Franchise Fees	56,603.04
Lexington Utilities System	Utilities	31,029.44
Linden's Plumbing	DCOC Clean-up Service	397.11
M & D Masonry, Inc.	ST Repair	3,493.75
Madeline's Café & Bakery	Gift Certificates	575.00
Mid-State Units	Rental	455.00

Oliver Consulting Services, Inc.	Library Supplies	640.00
T. L. Sund Constructors, Inc.	WWTP Service	60.00
T. O. Haas Tire Co., Inc.	Tire Repair	29.48
Tep's Bar & Grill	Gift Certificates	550.00
USA Today	Library Subscription	195.00
Verizon Wireless	Cellphone Service	124.60

TOTAL CLAIMS: 1,029,733.20

**PUBLIC COMMENTS:** Patricia Longly appeared before the Council to request consideration of leasing the former Central Community College building, owned by the City, to the Lexington Children's Museum. Council will consider her request during their Planning Session, December 3.

**ENERGY EFFICIENCY SVCS:** Scott Kleeb, Energy Pioneer Solutions, gave a presentation on services offered by the company for residential energy audits and energy efficiency upgrade options. Following his presentation, no action was taken.

**RESOLUTION:** Resolution No. 2011-36 was presented for Council consideration. Following a review of the project, moved by Salem, seconded by Tomasek, to approve Resolution No. 2011-36 as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

Resolution No. 2011-36

WHEREAS, there has been signed by the City of Lexington on the 22nd day of March, 2011, and the State on the 6th day of April, 2011, an agreement providing for the construction of a Federal Aid Project at the following location:

Walnut Street from S Madison to Van Buren; 17th Street from N Adams to Washington Street; 17th Street from Washington to Polk 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 URB-6558(1), 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 November 3, 2011, at which time 2 bids were received for the construction of the proposed work, and

WHEREAS, the following contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

Paulsen, Inc, Cozad, NE

Grading, Concrete Pavement, Culverts, General Items: \$907,832.20

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. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.

2. The Council hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.

3. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

DATED THIS 22nd DAY OF NOVEMBER, A.D. 2011

CITY OF LEXINGTON

John Fagot, (Mayor)

ATTEST: Joe Peplitsch, City Clerk

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider a Class D Liquor License Application by Hoff Brothers Inc dba Uncle Neal's Country Convenience Store. Justin Hoff noted that Hoff Brothers is in the process of purchasing Stoney's on Plum Creek Parkway. Fagot stated that he has not received any adverse comments regarding either local business. The public hearing was closed. Following discussion, moved by Miller, seconded by Bennett, to recommend, to the Liquor Control Commission, approval of the liquor license application submitted by Hoff Brothers. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider amendments to Chapter 28 Zoning, regarding special use permitting of RV/trailer parks and campgrounds. Ordinance No. 2309 entitled "AN ORDINANCE TO AMEND SECTIONS 28-10.5, 28-11.4 and 28-20.5; TO REPEAL ORIGINAL SECTIONS 28-10.5, 28-11.4 and 28-20.5, 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 for discussion. Peplitsch reported that inconsistencies in definitions of trailer parks and campgrounds came to light upon the recent special use permit application by Dawson County Agricultural Society. As there were no public comments, the public hearing was closed. Council requested Staff to research consistent and clear definitions. No action was taken by Council at this time.

**PAY REQUEST:**

Peplitsch requested Council consideration of Pay Request #7 from Central Contracting Corp for the Dawson County Opportunity Center Phase 3 project in the amount of \$11,531.10. Following an update of the project, moved by Tomasek, seconded by Salem, to approve Pay Request #7 as presented. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**SUBDIVISION:**

Peplitsch requested Council consideration of a final plat for the Schmidt-Miller Subdivision. He explained that the property owner would like to replat the area in anticipation of selling a portion of the properties. The plat has been reviewed by the Planning Commission who recommended approval of the final plat with revisions to the dedication to include all names of property owners. Following discussion, Resolution No. 2011-37 was presented for Council consideration. Moved by Miller, seconded by Bennett, to approve Resolution No. 2011-37 as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-37

SCHMIDT-MILLER SUBDIVISION

PART OF LOTS 22, 23 & 24 OF JIL-MAR SUBDIVISION BEING PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DAWSON COUNTY, NEBRASKA

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

The plat of SCHMIDT-MILLER SUBDIVISION, a rural subdivision within the zoning jurisdiction of 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 22nd day of November, 2011.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**FINANCIAL REPORT:**

Pepplitsch presented and reviewed the Financial Report for October 2011. Moved by Miller, seconded by Tomasek, to approve the financial report as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch reported that consultant selections are ongoing for the Comprehensive Plan and 6<sup>th</sup> & Grant Paving Improvement project. He also reminded Council and Staff of the Planning Session on Saturday, December 3 at 8 a.m.

Burnside gave an update on the 13<sup>th</sup> Street Paving Improvement project, noting that seeding is being completed and final paperwork will begin soon.

Miller reported that she has been asked to speak with CED about the recent National League of City conference.

**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.

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Deputy City Clerk