

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 13, 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, and John Salem. Council member Linda Miller was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by Kearney Hub and the Lexington Clipper-Herald. Elvia Tobias, Stephanie Jimenez, and Gerardo Ortiz were 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 8-23-2011 Minutes of the Regular meeting held Tuesday, August 23, 2011, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Tomasek, Fagot. Motion carried.

MINUTES – PLANNING SESSION 8-27-2011 Minutes of the Planning Session held Saturday, August 27, 2011, were presented for Council approval. Moved by Tomasek, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,946,108.78 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$278,996.21 from the General Fund, \$12,820.43 from TIF, \$4,166.67 from ED Reuse, \$73,611.21 from Housing Reuse, \$1,520,676.17 from LEXUS, \$10,000.00 from Sanitation, \$3,077.37 from Ambulance Fund, \$35,267.68 from Health Fund, and \$7,493.04 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 13, 2011

All Points Cooperative	Fuel / Weed Spray	715.11
Anderson Graphics	Library Service	67.50
Arnold Pool Company	Aquatic Center Supplies	112.40
Associated Supply Company, Inc.	Aquatic Center Supplies	144.25
B & D Office City	Police Supplies	23.98
Barmore Drug Store, Inc.	Ambulance / Muni Bldg Supplies	320.63

Berke, David	Yard Clean-up	135.00
Better Homes and Gardens	Library Book	33.91
Business Telecommunication Systems, Inc.	Phone Repair	135.82
Cash-Wa Distributing	Food / Supplies	2,561.67
Central Garage Fund	Fuel Reports	13,918.45
Community Redevelopment Authority	TIF-Wilkinson Dev/Ph I Environment Site Assessment	12,820.43
Conney Safety Products	ST Supplies	273.38
Consolidated Management Company	Police Training Meals	50.75
Culligan Water Conditioning Co.	Soft Water Supplies	204.73
Dan's Sanitation	Sanitation Fees	13,898.18
Danko Emergency Equipment Co.	Fire Dept Supplies	335.36
Data-Pac Mailing Systems	Postage / Supplies	1,539.55
Davis Energy, Inc.	Fuel	7,269.60
Dawson County Register of Deeds	Filing Fees	115.50
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	4,346.77
Diamond Vogel Paint	ST Paint	993.45
DXP Enterprises, Inc.	WWTP Supplies	84.80
Eakes Office Plus	Service Bldg Copies / Library Supplies	192.39
Electric Fixture & Supply	WR Supplies	15.92
EMS Billing Services, Inc.	Ambulance Service	1,871.59
Eustis Body Shop	Tow Charges / Vehicle Repair	1,352.87
Fastenal	WR Supplies	259.98
FYR-TEK, Inc.	Fire Dept Service	1,179.40
Gale Group, The	Library Books	378.51
Garden Lawn & Landscaping	Yard Clean-up	550.00
Graphic Screen Printing	Police Uniform Expense	52.00
Great Western Bank-City Petty Cash	Meeting Expenses	149.10
Hach Company	WWTP Supplies	106.00
HD Supply Waterworks	WR Supplies	677.34
Health Claims Fund	Claims	32,356.72
HOA Solutions, Inc.	South WR Tower Painting	10,528.80
Holbein, Dahlas D.	Lawn Service	550.00
Holiday Inn Express	ST Softball Lodging	924.00
Hunt Cleaners, Inc.	Cem / PK / ST Supplies	495.05
Ingram Library Services	Library Books	319.83
Jim Phillips Const	Main Breaks / Sidewalk / ST Repairs	11,520.00
Jones Plumbing & Heating	WR / WWTP Supplies / Library Repair	747.71
K.R.V.N. Radio	Advertisements	374.40
Keim, Bob	Freon Removal	240.00
Knapp Electric, Inc.	Aquatic Center Repair	75.81
League of Nebraska Municipalities	Membership Dues	4,165.00
Lexington Animal Clinic	Animal Care	1,470.29
Lexington Area Solid Waste Agency	Landfill	1,037.27
Lexington Family Eyecare	Safety Glasses	155.00
Lexington Health Fund	Self-Funding	32,808.58
Lexington Newspapers, Inc.	Publications	813.06
Lexington Postmaster	Postage / Annual Fee	340.00
Lexington Public Schools	Liquor & Tobacco License Refund	6,205.00
Lexington, City of, ED Reuse	ABLE Housing Payback	73,611.21
Lexington, City of	Franchise Fees	166.76
Payroll	Wages	114,420.43
Social Security	Employer Portion / FICA Med	8,392.42
First National Bank	Employer Portion / Pension	3,887.04
First National Bank	Police Pension	1,689.51
ICMA	City Manager Pension	443.08

Martin's Flag Company	Flags	1,249.55
Matheson Tri-Gas, Inc.	Ambulance Supplies	74.00
McCookNet Internet Service	Service / Equipment Install	1,956.01
Mead Lumber & Rental-Lexington	Fire Dept / PK / GGC Supplies	357.00
Meritain Health	Health Premium	24,036.75
Micromarketing, LLC	Library Books	229.72
Mid-State Units	Rental	900.00
Miller & Associates, Inc.	17th ST & Walnut Resurfacing	56,917.35
Moore Medical LLC	Ambulance Supplies	568.55
Morris Press	GGC Service	80.30
Municipal Automation & Control	WWTP - Install Phase Meter & Probe	3,150.00
Municipal Pipe Services, Inc.	WR Main Valve Install	2,996.00
Municipal Supply	SW / WR Supplies	1,968.58
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmts	4,166.67
Nebraska Public Health Environmental Lab	WR Testing	1,088.00
NE Law Enforcement Training Center	Police Seminar / Supplies	130.00
Nebraska Library Commission	Library Seminar	10.00
Nebraska Life	Library Subscription	21.00
Nebraska Mosquito & Vector Control Assn	Membership Dues / Registration	70.00
Nebraska Public Power District	Power Purchase	1,181,986.39
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Tyson Sub Station Service Transformers	19,318.16
Nebraska Public Power District	Adams T2 Switchgear & Install 28 MVA	22,300.80
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,221.60
NE Library Association/NEMA Conf	Library Registration Fee	20.00
North Platte Telegraph, The	Muni Bldg Subscription	149.95
Overton Sand & Gravel	White Rock / Fill Sand	390.43
Paulsen, Inc.	Concrete	1,491.61
Peak Interests, LLC	Meals	67.50
Plains Tsuanmi Swim League	State Swim Meet Fees	585.00
Platte Valley Communications of Kearney	Maint/Radio/Security Camera Repairs	1,749.29
Plum Creek Market Place	Food	97.07
Presto-X	GGC Service	93.00
Principal	Dental Premium	1,860.56
Rainbow Printing	Library Service	370.00
Rasmussen Mechanical Service, Inc.	Library Service	306.00
Real Simple	Library Subscription	23.88
Repco Marketing, Inc.	Police Supplies	38.00
Roberts Dairy Company	Food / Beverages	428.38
S & W Auto Parts, Inc.	WWTP Supplies	47.88
Sensus Metering Systems	Autoread Software Support	1,452.00
Service Master Mid Nebraska	Cleaning Service	2,299.40
Source Gas, LLC	Gas Service	2,850.28
Sport Supply Group, Inc.	Tennis Nets / PK Supplies	1,778.31
Statewide Collections, LLC	Collection Fees	147.13
Summit Supply Corporation	PK Supplies	905.00
Thalman, Julie	Cleaning Service	200.00
Thompson Co., The	Food / Supplies	1,248.82
Total Lawn Care	Lawn Service	3,545.00
Tri-City Tribune	Library Subscription	29.50
Tyler Technologies	Annual Hardware-Software Maintenance	18,679.71
U-Save Business Equipment	ST/AC/EL/Bldg Insp/Fire/GGC Supplies	287.58
Ultramax	Ammunition	1,190.00
Unisan Products	Library Supplies	95.53
Univar USA, Inc.	Phosphoric Acid	1,295.00

Village Uniform	GGC Supplies	15.70
Vision Internet Providers, Inc.	Monthly Hosting Fees	200.00
Wal-Mart	Supplies	1,014.77
Weathercraft Companies, Inc.	Shop Door Repair	889.50
Baird Holm LLP	Professional Services	200.00
Case Credit Advantage	Central Garage / WWTP Supplies	1,818.98
Cash-Wa Distributing	Food & Supplies	1,325.45
Central Garage Fund	Service / Repair	3,799.56
Consolidated Management Company	Police Training Meals	83.50
Davis Energy, Inc.	Fuel	3,771.58
Dawson County Transit Bus	Transportation	46.00
Depository Trust Company	2011 Combined UTL Bond Pmt	42,537.75
Diamond Vogel Paint	ST Paint	503.06
Eakes Office Plus	Library Supplies	437.94
Farm Plan	Central Garage Supplies	232.36
Farmer Brothers Coffee	Food	405.81
Garden Lawn & Landscaping	Yard Clean-up	150.00
Gomez, Jose	EL Rebate	900.00
Great Plains One-Call Service	Locates	184.94
Health Claims Fund	Claims	1,050.40
Holbein, Dahlas D.	Yard Clean-up	135.00
Lexington Estates LP	12 EL Rebates CED Houses	12,300.00
Lexington Regional Health Center	Wellness	140.00
Mead Lumber & Rental-Lexington	Cemetery Supplies	707.24
MicroMarketing, LLC	Library Books	73.97
Midwest Laboratories, Inc.	WR Testing Supplies	23.40
Municipal Supply	WR Supplies	1,426.60
National Business Institute	Land Use Seminar	688.00
Nebraska Department of Revenue	Sales & Use Tax	57,969.30
OCLC, Inc.	Library Subscription	17.19
Paulsen, Inc.	Gravel / Rock	1,797.36
Price's Tree Service, Inc.	WWTP Tree Removal	800.00
Robert's Dairy Company	Beverages	237.36
S & W Auto Parts, Inc.	Central Garage Supplies	591.65
Source Gas, LLC	Gas Service	19.84
T. O. Haas Tire Co., Inc.	Tire Repair	95.60
Thompson Co., The	Food & Supplies	447.30
U-Save Business Equipment	Library Supplies	138.75
Village Uniform	GGC Supplies	15.70
Wal-Mart	Supplies	238.94

TOTAL CLAIMS: 1,946,108.78

Mayor Fagot welcomed Lexington High School students Elvia Tobias and Stephanie Jimenez who were in attendance as part of their Broadcast and Journalism class.

PUBLIC HEARING:

Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. Peplitsch explained these are unpaid fees intended to be filed as a liens against properties. Gerardo Ortiz appeared as a property owner and disputed a billing. Bill Brecks explained the property maintenance abatement notice and billing process, stating that every attempt is made to contact the property owner on file and to work with owners on abatements. Peplitsch noted that this particular file can be reviewed with Staff. Following discussion, the public hearing was closed.

An Ordinance entitled "AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for First reading. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2305 on first reading. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried.

STORM WATER MGMT: Bill Brecks reviewed a new five year Storm Water Management Plan. He noted that previous plan generally focused on public education. The new plan will include public education and interaction, as well as focus on construction site regulation. Following discussion for public information, no necessary action was taken or required.

GRANT APPLICATION: Peplitsch reviewed the details of a grant application to the Economic Development Administration (EDA) for infrastructure improvements in the Southeast Business Park. Following discussion of the grant application and the proposed infrastructure improvements, moved by Salem seconded by Tomasek to authorize the City Manager to execute all necessary documentation related to the submission of the EDA grant application as presented. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Fagot. Motion carried.

BUDGET HEARING: Mayor Fagot opened a public hearing to discuss the proposed 2011-2012 fiscal year budget. Council discussed the City of Lexington 2012 fiscal year budget, specifically including funding in the form of a cash match of \$750,000 for an Economic Development Administration (EDA) grant for infrastructure development in the Southeast Business Park. The public hearing was closed. Moved by Salem, seconded by Bennett to authorize the cash match expenditure of \$750,000 for the EDA grant application in the 2012 fiscal year budget. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried.

RESTRICTED FUNDS: Peplitsch recommended the Council increase the base of restricted funds authority by an additional 1%. Following discussion, moved by Tomasek, seconded by Salem, to increase the base of restricted funds by an additional 1% for FY 2012. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Fagot. Motion carried.

TAX REQUEST HEARING: Mayor Fagot opened a public hearing to discuss setting the FY 2012 final tax request at a different amount than the prior year request. Following discussion, the public hearing was closed. Resolution No. 2011-32 was read before Council. Moved by Salem, seconded by Bennett, to approve Resolution No. 2011-32 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried.

RESOLUTION NO. 2011-32

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2011-2012 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the city of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the city of Lexington by a majority vote resolves that:

1. The 2011-2012 property tax request is set at \$930,425.49.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2011.

PASSED AND APPROVED this 13th day of September 2011.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ORDINANCE:

Ordinance No. 2306 entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2011-2012. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Moved by Salem, seconded by Bennett, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried.

Ordinance No. 2306 was presented on final reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2306 on final reading as presented. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2011-33 was presented. Following discussion, moved by Bennett, seconded by Tomasek, to approve Resolution No. 2011-33 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 2011- 33

WHEREAS, Section 22-6 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

WHEREAS, Lexington City Code Section 8-19, authorizes the City Council to establish by Resolution a schedule of rates and charges for electric service, and; WHEREAS, an increase in operating expenses justifies an increase in existing rates.

BE IT THEREFORE RESOLVED, that effective October 1, 2011, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$14.00 per month, plus an administrative charge of \$1.00, for a total of \$15.00 per month.

BE IT FURTHER RESOLVED, that effective October 1, 2011, the charge for residential garbage pickup customers who are single and 65 years of age or older shall be \$12.00, plus administrative charge of \$1.00, for a total of \$13.00 per month.

BE IT FURTHER RESOLVED, that effective October 1, 2011, an Automated Meter Reading fee for all electric utility customers shall be \$1.00 per meter per month.

PASSED AND APPROVED this 13th day of September, 2011.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PAY REQUEST:

Pepplitsch reviewed Pay Request #5 from Central Contracting Corp for the Dawson County Opportunity Center Phase 3 project in the amount of \$118,064.60. Following an update on the project, moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

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

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.

Pamela Berke (signed and sealed)
Deputy City Clerk