

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 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 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, Kearney Hub, and KRVN radio. Also in attendance were Dana Daniels, Miller & Associates, and Mike Lonowski.

NOTICE: Notice of the meeting was given in advance, thereof by posting in the following locations: Lexington Municipal Building, Dawson County Courthouse, Homestead Bank, Great Western Bank, Pinnacle Bank. 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 3-22-2011 Minutes of the Regular meeting held Tuesday, March 22, 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.

MINUTES – RETREAT 3-26-2011 Minutes of the Dawson County Elected Officials Retreat, held Saturday, March 26, 2011, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,616,754.53 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 \$310,608.41 from the General Fund, \$1,249,119.44 from LEXUS, \$10,218.77 from Sanitation, \$5,755.13 from Ambulance Fund, \$33,350.25 from Health Fund, and \$7,702.53 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 12, 2011

All Points Cooperative	Fuel / Fertilizer	977.50
American Red Cross	Lifeguard Class	105.00
Anderson Graphics	Library Service	44.05
Arrow Seed Company, Inc.	PK / Cem Grass Seed	1,529.00
Bauer Underground, Inc.	Underground Boring	1,320.00
Beringer, Ciaccio, Dennell, Mabrey	DCOC-Phase III Svc	5,234.57
Bound Tree Medical, LLC	Ambulance Supplies	78.08

Cash-Wa Distributing	Muni Bldg/ST/DCOC Supplies	4,351.10
Central Garage Fund	Service / Repair / Fuel	18,397.14
Chief Supply	Police Uniform Expense	23.18
Commercial Maintenance Chemical Corp	WWTP Supplies	582.98
Computer Warehouse #4	GGC Supplies	19.17
Contryman Associates, P.C.	Audit Fees	27,500.00
Crafts 'N Things	Library Subscription	24.99
Culligan Water Conditioning Co.	Soft Water Supplies	164.53
Dan's Sanitation	Sanitation Fees	11,254.00
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	4,927.96
Dawson Area Development	Contracted Svc - DCOC Roof PJ	500.00
Dawson County Transit Bus	Transportation	52.00
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	4,168.65
Demco	Library Supplies	81.94
Depository Trust Co.	08 Comb UTL Bond/10 GO Bond	90,043.75
Downey Drilling, Inc.	Ash-Hwy 283 Line Relocation	3,430.10
Dunrite, Inc.	Park Supplies	156.58
Dutton-Lainson Company	EL Meters	600.80
Eakes Office Plus	Library Supplies	24.86
Eilers Machine & Welding, Inc.	EL Supplies - Ash-Jefferson ST PJ	101.66
Electric Fixture & Supply	WWTP / EL Supplies	159.17
Electronic Systems, Inc.	GGC Service	35.00
EMS Billing Services, Inc.	Ambulance Service	1,698.54
Eustis Body Shop, Inc.	Tow Expense / Vehicle Repair	150.00
Fagot Refrigeration & Electric, Inc.	GGC/WWTP/Libr/PK Rep/Spls	2,523.15
Fairbanks Farm Equipment	Central Garage Supplies	248.46
Farm Plan	WWTP / Central Garage Supplies	266.18
Farmer Brothers Coffee	Food & Supplies	452.19
Fastenal	ST / PK / Cem Supplies	42.35
FYR-TEK	Fire Uniform Exp/Hoses/Supplies	2,596.61
Garden And Lawn Landscaping	Yard Clean-up	125.00
Great Plains Govt Finance Officers Assn	Membership / Conference	235.00
Great Plains One-Call Service	Locates	150.49
HD Supply Waterworks	WR Supplies	14,940.90
Health Claims Fund	Claims	25,408.49
Heiman Fire Equipment, Inc.	Fire Supplies	122.70
Holbein, Dahlas D.	Snow Removal	60.00
HTM Sales, Inc.	WWTP Supplies	4,443.30
Ingram Library Services	Library Books	790.81
Jones Plumbing & Heating, Inc.	Muni Bldg /PK Rep/WR/WWTP Spls	1,864.59
Kelly Supply Company	WWTP Supplies	408.51
Kratzer Electric, Inc.	EL Service	45.00
Lakeside Country Club	Membership Dues	922.00
Lexington Animal Clinic	Animal Care	608.00
Lexington Area Solid Waste Agency	Landfill	2,059.61
Lexington Glass Co., Inc.	Pump House Repair	101.64
Lexington Health Fund	Self-Funding	32,735.51
Lexington Newspapers, Inc.	Publications	1,342.99
Lexington Postmaster	GGC Postage	150.00
Lexington Volunteer Fire Dept.	Ambulance Fees	3,175.46
Lexington, City of	Franchise Fees	90.33
Payroll	Wages	102,436.59
Social Security	Employer Portion / FICA Med	7,501.28
First National Bank	Employer Portion / Pension	3,564.72
First National Bank	Police Pension	1,484.93

ICMA	City Manager Pension	433.84
Lincoln Winwater Works	Meter Supplies	1,155.60
Lundeen-Isaacson, Inc.	Fire Vehicle Insurance	204.00
Lynn Peavey Company	Police Supplies	49.45
Matheson Tri-Gas, Inc.	Ambulance Supplies	72.00
MC 2, Inc.	WWTP Supplies	1,609.67
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP/Fire/ST/PK/CG Supplies	295.92
Menards-Kearney	Library Supplies	19.88
Meridian Library System	Library Registration	15.00
Meritain Health	Health Premium	23,447.63
MicoMarketing, LLC	CD Book	45.99
Mid-American Research Chemical	WWTP Supplies	270.43
Midland Scientific, Inc.	WWTP Supplies	1,299.64
Milco Environmental Services	WR Analysis	903.00
Miller & Associates	DCOC Roof Repair	26,279.00
Moore Medical LLC	Ambulance Supplies	247.95
Morris Press	GGC Service	80.30
Municipal Supply Co.	WR Supplies	909.81
Nebraska Association of Senior Centers	GGC Membership Dues	20.00
Nebraska Department of Labor	Unemployment	318.00
NE Law Enforcement Training Center	Training Classes	72.00
Nebraska Library Association	Library Membership Dues	65.00
Nebraska Municipal Power Pool	Membership Dues	2,582.26
Nebraska National Bank	City/Police/Library Copier Pmts	1,195.44
Nebraska Public Power District	Power Purchase	915,891.67
Nebraska Public Power District	O & M	65,500.00
NE Public Power District / Dawson Canal	Coverage Pump & Tap	4,581.60
Oriental Trading Company, Inc.	Library Supplies	11.98
Overton Sand & Gravel	Road Gravel / White Rock	2,128.20
Paulsen, Inc.	Soccer Fields Concession Bldg	23,267.00
Peak Interests LLC	Food	28.00
Penworthy Company	Books	1,666.80
Phillips, Jim	ST / Sidewalk Repairs	2,150.00
Platte Valley Auto Mart, Inc.	Ambulance Repair	120.47
Platte Valley Communications of Kearney	Maint/Amb/WR/Police Rep/Install	4,670.09
Plum Creek Cleaners	Supplies	246.50
Plum Creek Market Place	Food & Supplies	177.18
Plum Creek Medical Group	Fire Flu Shot	37.00
Police Officers Association of Nebraska	Membership Dues	170.00
Principal	Dental Premium	1,756.80
ProSource Specialties	Library Supplies	25.00
Regional Books, Inc.	Library Books	21.22
Roberts Dairy Company	Beverages / Food	653.41
Rodale	Library Book	39.94
S & W Auto Parts, Inc.	Central Garage / WWTP Supplies	924.74
Service Master Mid Nebraska	Cleaning Service	2,202.87
Source Gas, LLC	Gas Service	6,954.85
Statewide Collections, LLC	Collection Fees	258.09
Sterling West	Rec Comp Stadium Imp/Benches	1,341.00
T. O. Haas Tire Co., Inc.	Tires / Repair	292.63
Team Detail & Quicklube	Police Uniform Expense	8.50
TechSmith Corporation	Police Supplies	49.90
Teen Vogue	Library Subscription	10.00
Thompson Co., The	Food & Supplies	1,625.74
Tri-City Tribune	Publications	288.00
Tri-County Hospital	Wellness	143.00

U-Save Business Equipment	GGC/Muni Bldg/ST/Fire/WWTP/WR/Spls/Pstg	282.95
Univar USA, Inc.	Ferric Sulfate	9,303.92
Verizon Wireless	Cellphone Service	131.91
Village Uniform	GGC Supplies	31.40
Vision Internet Providers, Inc.	Monthly Hosting Fee	200.00
Wal-Mart	Supplies / Computer / I Pads	2,119.53
Walking C Cattle Company	NPPD Dawson Canal 2010 Reimb	4,498.60
Walter F Stephens Jr., Inc.	Police Uniform Expense	49.95
Weathercraft Companies, Inc.	Police Door Repair	195.00
Western Engineering Company, Inc.	ST Supplies	741.74
Yung, Mark	Training Class Meals	60.00
Annie's Attic Books	Library Book	18.94
B & D Office City	Police Supplies	55.31
Beringer, Ciaccio, Dennell, Mabrey	DCOC-Phase III Service	27,341.00
Berke, David	Yard Clean-up	325.00
D & R Computing, Inc.	Fire Dept Computer / Supplies	794.00
Davis Energy, Inc.	Fuel	1,778.70
Dawson Area Development	2nd Half Dues 2010-2011	13,500.00
Downey Drilling, Inc.	Electric Rebate	1,800.00
Ed Roehr Safety Products	Police Supplies	203.11
Electric Fixture & Supply	Muni Bldg / WWTP Supplies	78.77
Gale Group, The	Library Books	163.11
Health Claims Fund	Claims	6,184.96
Lopez, Ruperto	Electric Rebate	1,175.00
Martin Electric, Inc.	Fire Dept Repair	220.39
Morton, Allyn	Electric Rebates	1,575.00
Municipal Supply	WR Supplies	63.68
Naumann, Sondra	Cleaning Service	262.50
NE Dept of Labor-Boiler Inspection Prog	WWTP Service	72.00
Nebraska Department of Revenue	Sales & Use Tax	48,074.74
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,211.00
Oxmoor House	Library Book	36.91
Parsons Brinckerhoff	Pro Service - 17th St Resurfacing	3,577.95
Paulsen, Inc.	Concrete	568.17
Pegasus Press, Inc.	Library Books	119.90
Sargent Drilling Co.	WWTP Repair	616.00
Taste of Home Books	Library Book	30.98
Tri-City Tribune	Publication	48.00
U-Save Business Equipment	ST Supplies / Postage	16.66
Wal-Mart	Supplies	28.76
Yung, Mark	Boots	56.16

TOTAL CLAIMS: 1,616,754.53

STREET CLOSING REQUEST: Mike Lonowski requested downtown street closures to hold a car show/fundraising event on Sunday, May 29, 2011. He outlined the request and possible activities for the event. Following discussion, moved by Miller, seconded by Salem, to approve the street closures as requested and direct staff to work with the event organizer on specific details for the event. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to discuss an ordinance to amending Chapter 28A of the Lexington City Code related to Flood Plain Zoning. Pepplitsch explained that the language in Chapter 28A is outdated and that the proposed amendments will meet current FEMA standards; as new flood maps will become effective May 3, 2011, the revised standards need to be in place by

that date as well. He noted that the proposed ordinance had gained Planning Commission approval. Following review of the proposed amendments and public comments, the public hearing was closed.

ORDINANCE:

Ordinance No. 2294 entitled "AN ORDINANCE AMENDING CHAPTER 28A OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL CHAPTER 28A 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. Moved by Salem, seconded by Miller, to suspend the rules regarding the reading of ordinances on three separate occasions. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2294 was presented on final reading. Moved by Salem, seconded by Tomasek, approve Ordinance No. 2294 on final reading. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

FRONTIER ST/HWY 283:

Dana Daniels reviewed the bid tabulation for the Frontier Street & Hwy 283 Intersection Improvement Project; the apparent low bid was from Paulsen, Inc. in the amount of \$187,594.00. Following discussion and review of the engineering recommendation, moved by Salem, seconded by Tomasek, to award a contract for the project to Paulsen, Inc. and authorized the execution or needed documents. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2011-14 was presented. Peplitsch explained that funds for the Opportunity Center Phase 3 project were anticipated to be borrowed as reflected in the budget for the current fiscal year. He noted that staff solicited loan proposals from the local financial institutions and received the most favorable terms from Home Federal Savings. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2011-14 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION 2011-14

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR CONSTRUCTION OF IMPROVEMENTS TO THE DAWSON COUNTY OPPORTUNITY CENTER KNOWN AS PHASE III.

WHEREAS, the City of Lexington, Nebraska has entered into contracts for the construction of Phase III improvements: and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of such construction; and

WHEREAS, the City is authorized by law to borrow funds to pay the cost of capital improvements.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City of Lexington, Nebraska is hereby authorized to contract for financing with Home Federal Savings and Loan, Lexington Nebraska. The

loan amount shall not exceed \$900,000.00 for a term of 10 years at an interest rate of 3.72%.

2. That Joe Peplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 12th day of April 2011.

City of Lexington, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PLANNING SESSION:

Council and Staff discussed possible dates for a planning session. As Council action may be needed on a few items prior to the next regular meeting, moved by Tomasek, seconded by Bennett, to schedule a special meeting for Tuesday, April 19, 2011, at 5:30 p.m. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Salem, seconded by Miller, to enter Executive Session at 6:02 p.m. to evaluate the annual job performance of the City Manager and to discuss the potential sale of public property. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Moved by Miller, seconded by Bennett, to retire from Executive Session and return to Open Session at 7:05 p.m. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch noted that refinancing options for the outstanding Series 2004 Revenue Bonds are currently being monitored. He also gave an update on several street projects.

Burnside reported that Lexington has been named a Tree City for the 14th year and that the Downtown Revitalization study was recently awarded an "Excellence in Planning" award at the Nebraska Planning and Zoning Conference in March.

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