

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 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, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub.

**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 2-08-2011** Minutes of the Regular meeting held Tuesday, February 8, 2011, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$506,060.32 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$187,967.07 from the General Fund, \$1,900.00 from TIF, \$273,380.21 from LEXUS, \$27,660.22 from Sanitation, \$2,000.00 from Landfill, \$283.17 from Ambulance Fund, \$10,074.15 from Health Fund, and \$2,795.50 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 22, 2011**

AFLAC	Premium	1,360.59
Annie's Attic Books	Library Book	18.94
Axis Capital, Inc.	Mail Machine Pmt	840.00
B & D Office City	Police Supplies	109.45
Bahensky, Todd	Travel Expense	173.40
Barco Municipal Products	ST Supplies	1,096.66
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center - Phase III	16,222.92
Business Card	Supplies-School-Food	1,295.04
Business Office Systems, Inc.	Copies	194.75
Case Credit Advantage	Fire Dept Vehicle Repair	252.35
Cash-Wa Distributing	Food / Supplies	705.97
Casper, Terri	EL Rebate	650.00

Central Community College	Seminars	230.00
Central Garage Fund	Service / Repair	17,954.16
Central Tire & Tread, Inc.	Motor Grader Tires	7,590.00
Certified Laboratories	Central Garage Supplies	499.53
Commercial Maintenance Chemical Corp.	WWTP Supplies	299.23
Community Redevelopment Authority	Tree Removal West Hwy 30	1,900.00
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Oil / Supplies	383.93
Dawson County Handibus	Transportation	46.00
Dawson Public Power District	Power Purchase	4,478.16
Eakes Office Plus	Library Supplies	29.96
Eustis Body Shop	Towing Expense	200.00
Fagot Refrigeration & Electric	WR/Muni Bldg Service & Repair	2,863.45
FireGuard, Inc.	Fire Dept Equipment	465.43
Fisher Scientific	WWTP Supplies	292.86
Follett Software Co.	Library Supplies	197.02
FYR-TEK	Fire Dept Supplies	33.60
Gale Group, The	Library Books	69.53
Garden & Lawn Landscaping	Yard Clean-up	150.00
GeoStat Environmental, LLC	Landfill Groundwater Analysis	2,000.00
Gothenburg Times, The	Publication	5.55
Great Western Bank-Lib. Petty Cash	Postage / Food	192.41
HD Supply Waterworks	WR Registers / Supplies	7,531.08
Health Claims Fund	Claims	8,055.68
Heiman Fire Equipment, Inc.	Fire Dept Supplies	209.09
Hermozillo, Efrain	EL Rebate	300.00
Holbein, Dahlas	Maint/Cleaning Svc/Yard Cleanup	1,175.00
Ingram Library Services	Library Books	706.71
Lerner Publishing Group	Library Books	114.15
Lexington Newspapers, Inc.	Publications	74.42
Lexington Truck & Auto, Inc.	Central Garage Supplies	30.00
Martin Electric Co.	Fire Dept Supplies	22.50
Matheson Tri-Gas, Inc.	Ambulance Supplies	37.35
Matt Friend Truck Equipment	Central Garage Supplies	1,537.00
Mead Lumber & Rental-Lexington	WR / Municipal Bldg Supplies	796.01
MicroMarketing, LLC	Library Books	45.99
Naumann, Sondra	Cleaning Service	189.00
Nebraska Dept of Environmental Quality	WWTP Certification / Exam	150.00
Nebraska Law Enforcement Training Cntr	Seminar	244.00
Nebraska Library Commission	Library Subscription	205.00
Nebraska Machinery	Central Garage Supplies	2,441.35
Nebraska Public Power District	Capital Projects	139,119.49
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,260.07
NFPA	Fire Dept Membership Dues	150.00
OCLC, Inc.	Library Subscription	18.96
Overton Community Center	Meals on Wheels	100.00
Paraclete Press, Inc.	Library Books	97.93
Presto-X	Fire Dept Service	83.00
Rand Materials Handling	Supplies	180.50
Roberts Dairy Company	Beverages	114.78
Rockmount Research & Alloys, Inc.	Central Garage Supplies	260.10
S & W Auto Parts	Central Garage Supplies	490.64
Service Master Mid Nebraska	Cleaning Service	4,741.00
T. O. Haas Tire Co., Inc.	Tire Repair	504.32
TASC	Fees	177.48
Taste of Home Books	Library Book	30.98
Team Detail & Quicklube	Uniform Expense / Car Wash	147.50

Thompson Co., The	Food & Supplies	517.96
Tri-City Tribune	Publication	5.66
U-Save Business Equipment	Postage / GGC Supplies	155.50
Unisan Products	Library Supplies	122.09
UNO NE Certified Public Mngr Program	Tuition / Brecks	2,370.50
VVS Surveillance Systems	Police Cameras for Interview Rms	11,802.07
Village Uniform	GGC Supplies	30.40
Vision Internet Providers, Inc.	Monthly Hosting Fee	200.00
Wal-Mart	Supplies	406.93
Yung, Mark	Conference Expense	112.50
Business Card	Food	6.49
Card Center/Orscheln	Supplies	614.15
Dan's Sanitation	Sanitation Fees	27,660.22
Demco	Library Supplies	154.06
Department of HHS / Licensure Unit	WR Operator License Renewal	66.00
Great Western Bank-City Petty Cash	Food / Postage / Testing Supplies	37.00
Health Claims Fund	Claims	480.40
Ingram Library Services	Library Books	85.73
Lexington Area Chamber of Commerce	Banquet Tickets	150.00
Lexington Utilities System	Utilities	40,988.10
Lexington, City of	Franchise Fees	66,588.51
Payroll	Wages	104,124.89
Social Security	Employer Portion / FICA Med	7,626.89
First National Bank	Employer Portion / Pension	3,563.36
First National Bank	Police Pension	1,515.04
ICMA	City Manager Pension	433.84
Stenberg, David	EL Rebate	200.00
Thomas Bouregy & Company, Inc.	Library Books	139.50
Verizon Wireless	Cellphone Service	132.83
Village Uniform	GGC Supplies	88.00
Wal-Mart	Supplies	39.73
	<b>TOTAL CLAIMS:</b>	<b>506,060.32</b>

**ORDINANCE:**

Ordinance No. 2290 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 on second reading. Following an update of previous citizen concerns, moved by Tomasek, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

Ordinance No. 2290 was presented on final reading. Moved by Salem, second by Tomasek, to approve Ordinance No. 2290 on final reading. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:**

Pepplitsch requested approval of Pay Request #2 from Weathercraft Companies for the Opportunity Center Roof and Insulation Improvement project in the amount of \$52,186.51. Following discussion, moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**RESOLUTION:**

Resolution 2011-07 was presented. Pepplitsch explained that this resolution authorizes fees for fire and rescue services as required by statute. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No.

2011-07 with an effective date of February 1, 2011. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 2011-07**

WHEREAS, the City of Lexington, Nebraska and the Lexington Volunteer Fire Department have by Resolution 03-15, authorized and established a plan to charge and collect fees for the performance of fire and rescue services, and for the use of fire and rescue equipment, ; and

WHEREAS, it is in the best interest of the City of Lexington, Nebraska and the Lexington Volunteer Fire Department to continue the established plan;

BE IT THEREFORE RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that the established plan for charge and collection of fees for fire and rescue services, and for the use of fire and rescue equipment of the Lexington Volunteer Fire Department is hereby authorized to continue for an additional twelve month period.

BE IT FURTHER RESOLVED, that effective February 1, 2011, the fees collected for such service shall be according to the schedule attached hereto.

Passed and approved February 22, 2011.

John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**LVFD SVC AWARD PRGM:**

Resolution No. 2011-08 was presented. Following discussion, moved by Salem, seconded by Miller to approve Resolution No. 2011-08 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2011-08**

A RESOLUTION APPROVING THE LVFD SERVICE AWARD PROGRAM CERTIFIED MEMBER LIST FOR CALENDAR 2010.

WHEREAS, the Lexington Volunteer Fire Department members must attain Certified status as defined by the LVFD Service Award Program in order to participate in the program.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, the following list of members have completed the certification requirements as determined by the Certification Administrator for calendar year 2010.

Ronald Balthazor	David Berke	Bo Berry
Jeffrey Block	Bruce Bonini	William Brecks
Robert Bullis	Alfred Copper	Gary Donnelson
Michael Dowling	Darrel Dutro	Matthew Fitzgerald
Douglas Glaze	Michael Gomez	Everett Hagan
Dahlas Holbein	Dale Holbein	Kent Jergensen
Ryan Johnson	Jeremy Kaiser	Richard Klauz
James Linch	Michael Maguire	Robert Martin
Seth McFarland	Troy Moore	Lance Olsen
Eldon Peck	Chad Reutlinger	Roger Reutlinger
Nicholas Reynolds	Michael Richman	Jon Robles

Jerald Saulsbury  
Eldon Wheeler  
Frank Zlatkovsky

Kerry Teetor  
Brad Worthing

Blake Thorell  
David Zlatkovsky

Passed and Approved this 22<sup>nd</sup> day of February, 2011.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**ORDINANCE:**

Ordinance No. 2291 entitled "AN ORDINANCE TO UPDATE STORM WATER MANAGEMENT REGULATIONS AS CHAPTER 15 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL CHAPTER 15 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. Following discussion, 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. 2291 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2291 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**FINANCIAL REPORT:**

Pepplitsch presented a financial report for January 2011. Following discussion, moved by Tomasek, seconded by Bennett, to accept the financial report as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**PAY REQUEST:**

Pepplitsch requested approval of Pay Request #8 (Final) from Simon Contractors for the Opportunity Center Phase 2 project in the amount of \$52,182.50. Following discussion, moved by Miller, seconded by Bennett, to approve the Pay Request as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch reminded Council and Staff of the Planning Session scheduled for Saturday, February 26, 2011, at 8 a.m. and of the League Midwinter Conference, February 28 through March 1 in Lincoln. He also noted that assessments for the Paving District 09-02 are being finalized and will be considered at the March 22 council meeting.

Burnside reported that the Downtown Revitalization committee will begin reviewing applications for the program on February 24.

**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