

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 8, 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, and Linda Miller. Council member John Salem was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. The press was represented by Harry Perkins, Kearney Hub, and Dave Schroeder, KRVN radio. Also in attendance were Michael Lonowski, George Parks, Erich Thixton, Roger Anderson, Terry Ackerman, and Connie Bennett.

**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.

**PUBLIC COMMENTS:** Mike Lonowski requested permission to close some downtown areas to conduct a benefit car show on May 29, 2011. After his request, Mayor Fagot requested he prepare a draft of the plan and consult with City staff.

**MINUTES – REGULAR MEETING 1-25-11:** Minutes of the Regular meeting held Tuesday, January 25, 2011, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Bennett, Tomasek, Fagot. Motion carried.

**MINUTES – PLANNING SESSION 1-29-11:** Minutes of the Planning Session held Saturday, January 29, 2011, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,626,995.83 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 \$197,812.61 from the General Fund, \$1m,372,960.84 from LEXUS, \$19,935.66 from Sanitation, \$9,870.58 from Landfill, \$6,614.43 from Ambulance Fund, \$13,414.44 from Health Fund, and \$6,387.27 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 8, 2011

All Points Cooperative	Fuel	455.25
B & D Office City	ST Supplies	99.75

Bamford, Inc.	Fire Sprinkler Inspection	200.00
Barco Municipal Products, Inc.	ST Signs	1,331.18
Berke, David	Yard Clean-up	975.00
Better Homes And Gardens	Library Book	30.91
Bob's Auto Repair & Service	Vehicle Repair	171.06
Case Credit Advantage	WWTP Supplies	14.72
Cash-Wa Distributing	Food & Supplies	953.57
Central Garage Fund	Service / Repair / Fuel	22,176.16
Comfort Inn	Police Seminar	131.32
Contryman Associates, P. C.	Audit Fees	23,000.00
Culligan Water Conditioning Co.	Soft Water Supplies	170.93
Dan's Sanitation	Sanitation Fees	11,254.00
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel / Oil	4,454.13
Dawson County Court	Court Fees	238.00
Dawson Pest Control	GGC Service	35.00
Dawson Tire Service, Inc.	Tires	700.00
DBSP, Inc.	Software Maintenance	1,000.00
Designer Craft Woodworking	City Hall Casework	2,118.00
Dugan Business Forms	Supplies	285.42
Eakes Office Plus	Service Building Supplies	45.82
Eilers Machine & Welding	ST Supplies	66.39
EMS Billing Services, Inc.	Ambulance Service	1,366.42
Envision Ware	Library Service	1,002.15
Eustis Body Shop	Towing Expense	350.00
Fastenal Central	Garage Supplies	278.78
FYR-TEK	Fire Equipment Service & Repair	2,386.38
Gale Group, The	Library Books	244.79
Galls	Police Supplies	70.97
Health Claims Fund	Claims	11,437.12
Hobart	GGC Equipment Repair	330.15
Image Trend, Inc.	Ambulance License Fee	750.00
Ingram Library Services	Library Books	408.15
Jack Emmett Norton	Library CD	19.98
Jones Plumbing & Heating	Supplies/Repair	1,388.34
Kelly Supply Company	WWTP Supplies	1,010.09
Knapp Electric, Inc.	PK Supplies	41.25
Lawson Products, Inc.	WR Supplies	144.10
League of Nebraska Municipalities	Mid Winter Conference	2,540.00
Lexington Animal Clinic	Animal Care	1,029.20
Lexington Glass Co.	Service Bldg Supplies	100.00
Lexington Health Fund	Self-Funding	32,119.44
Lexington Newspapers, Inc.	Publications	454.36
Lexington Postmaster	Postage	150.00
Lexington, City of	Franchise Fees	85.73
Linda's Stitches & Creations	Jackets	124.05
Madeline's Café	Food	16.95
Mast's Fire Extinguisher Sales	Fire Dept Supplies	13.96
Matheson Tri-Gas, Inc.	Ambulance Supplies	72.00
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	Muni Bldg/Cem/WR Supplies	250.38
Meditech Forensics, Inc.	Police Supplies	100.50
Meridian Library System	Library Workshop	20.00
Meritain Health	Premium	23,036.68
MicroMarketing, LLC	Library Books	12.00
Mid-Nebraska Food Bank	Food & Supplies	106.91
NE Assoc. of Co. Engineers, Hwy. Super/Surv	Membership Dues	20.00

Nebraska Law Enforcement	Training Center Recertification	60.00
Nebraska Machinery	Central Garage Supplies	104.32
Nebraska National Bank	Copier Payments	1,195.44
Nebraska Public Power District	Power Purchase	1,017,784.56
Nebraska Public Power District	Jeff /Jack 9th-13th Volt Conv/N ACB 102 Conv	153,826.83
Nebraska Public Power District	O & M	65,500.00
Nebraska Rural Water Association	Certification Class	298.00
O. The Oprah Magazine	Subscription	29.97
Overton Sand & Gravel	Fill Sand / Gravel	349.08
Paulsen, Inc.	Concrete	236.73
Platte Valley Communication of Kearney	Repairs/Maint/Pagers	5,940.75
Plum Creek Market	Food & Supplies	24.58
Price's Tree Service, Inc.	Snow Removal	525.00
Principal	Dental Premium	1,627.48
Rand Materials Handling	Supplies	33.31
Regional Books, Inc.	Library Books	191.23
Roberts Dairy Company	Beverages / Food	391.91
S & W Auto Parts, Inc.	CG/ST/WWTP Supplies	1,908.60
Service Master Mid Nebraska	Cleaning Service	1,535.77
Sirchie Finger Print Lab	Police Supplies	61.12
Source Gas, LLC	Gas Service	11,855.53
Statewide Collections, LLC	Collection Fees	312.26
Steve's Lock & Key	Keys	195.21
T. O. Haas Tire Co., Inc.	Tire / Repair / Supplies	171.68
Thomas Bouregy & Company, Inc.	Library Books	139.50
Thompson Co., The	Food & Supplies	2,118.70
Tri-County Hospital	Wellness	209.00
U-Save Business Equipment	Muni Bldg / Postage / UPS	562.11
Upstart	Library Supplies	92.76
Verizon Wireless	Cellphones	139.46
Wal-Mart	Supplies	952.65
Ward Laboratories	WR Testing	25.00
Wolf, Tracy	Travel Expense	165.42
Bert Gurney & Associates, Inc.	WWTP Supplies	981.57
Bottom Line / Personal	Library Subscription	39.00
Business Office Systems, Inc.	Copier Supplies	64.44
Cash-Wa Distributing	Food & Supplies	1,377.90
Dan's Sanitation	Sanitation Fees	1,500.00
Dawson County Extension	Seminar	30.00
Dawson County Register of Deeds	Filing Fees	34.00
Eat Healthy Lose Weight	Library Book	30.91
Ed Roehr Safety Products	Police Taser & Supplies	2,538.04
Eustis Body Shop	Vehicle Repair	583.60
Farmer Brothers Coffee	Food & Supplies	286.77
Follett Software Co.	Library Supplies	48.51
FYR-TEK	Fire Dept Supplies	1,197.59
Great Plains One-Call Service	Locates	32.61
Hach Company	WWTP Supplies	316.84
Health Claims Fund	Claims	349.84
Ingram Library Services	Library Books	150.95
Landfill Post-Closure Fund	Replenish Landfill Post-Closure Fund	9,935.66
Lexington Area Solid Waste Agency	Landfill	651.00
Lexington Feeders Service	WR Supplies	8.92
Lexington Newspapers, Inc.	Publications	346.09
Payroll	Wages	101,227.66
Social Security	Employer Portion / FICA Med	7,405.17
First National Bank	Employer Portion / Pension	3,586.80

First National Bank	Police Pension	1,491.44
ICMA	City Manager Pension	433.84
Loudon's for Men	Boots	109.00
Martin Electric	Fire Dept Supplies	64.50
Mid-State Units	Rental	80.00
Milco Environmental Services, Inc.	WR Analysis/Landfill Disposal Site	9,870.58
Nebraska Department of Revenue	Sales & Use Tax	58,507.76
People Books	Library Book	41.90
Pepplitsch, Joe	Travel Expense	203.16
Platte Valley Communication of Kearney	Radio Repair	35.00
Plum Creek Cleaners	Service / Supplies	260.75
Plum Creek Market Place	Food & Supplies	29.41
Roberts Dairy Company	Food & Beverages	157.60
T. O. Haas Tire Co., Inc.	Tires / Repair	380.19
U-Save Business Equipment	Postage / Supplies	63.47
Wal-Mart	Supplies	282.32
Wilke-Donovan True Value	ST / Cemetery / PK Supplies	670.64
	<b>TOTAL CLAIMS:</b>	<b>1,626,995.83</b>

**BOARD OF EQUALIZATION:** Mayor Fagot opened a public hearing for the Council to sit as a Board of Equalization to consider assessments related to property maintenance activities. 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. Pepplitsch reviewed the ordinance. Following the review, property owners Terry Ackerman and Roger Anderson spoke in opposition of the potential assessments. Pepplitsch indicated that staff will review these two individual cases for process accuracy. Being no further comments, the public hearing was closed. Following discussion, moved by Tomasek, seconded by Bennett, to approved Ordinance No. 2290 on first reading. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Fagot. Motion carried.

**ONE & SIX YEAR STREET IMPROVEMENT PLAN:** Pepplitsch presented a current draft of the 2011 1&6 Year Street Improvement Plan, including recommended additions from the Planning Commission. Following discussion, he noted that a public hearing on the final draft will be held at the next meeting; no action was taken.

**ORDINANCE:** Ordinance No. 2289 entitled “AN ORDINANCE TO AMEND SECTION 1-7 OF THE LEXINGTON CITY CODE TO CLASSIFY VIOLATIONS AS OFFENSES; TO REPEAL ORIGINAL SECTION 1-7 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. Weinhold discussed the recommended code amendment. Following discussion, moved by Miller, seconded by Tomasek, to suspend the rules regarding the reading of ordinances on three separate occasions. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot. Motion carried.

Ordinance No. 2289 was presented on final reading. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2289 on final reading. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot. Motion carried.

**ROAD PROJECT AGMT:** Pepplitsch presented a program agreement with NDOR for the Lexington East Viaduct project, URB-1705(3), CN 61457. Following discussion, Resolution No. 2011-05 was presented. Moved by Miller, seconded by

Tomasek, to approve Resolution No. 2011-05. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO 2011-05**

WHEREAS: The City of Lexington desires to enter into an Agreement with the State of Nebraska Department of Roads, to proceed with construction of Project No. URB-1705(3), Lexington East Viaduct, Control No. 61457;

NOW BE IT RESOLVED by the City Council, City of Lexington, Nebraska, that the Agreement for the above described Project, attached hereto, is hereby approved, and that John Fagot, as President of the Council, is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington, Nebraska.

PASSED AND APPROVED this 8th day of February, 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

**OPPORTUNITY CENTER:**

Pepplitsch reviewed plans and specifications for the Opportunity Center Phase 3 project. Following discussion, moved by Miller, seconded by Bennett, to approve the plans and specifications and to authorize the city manager to solicit bids. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 2011-06 was presented. Pepplitsch reviewed plans for a ribbon cutting and open house event for the Dawson County Opportunity Center scheduled for February 18, 2011. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 2011-06, with suggested amendments. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot. Motion carried.

**RESOLUTION 2011-06**

WHEREAS, the City of Lexington has completed construction of Phase 2 of the DAWSON COUNTY OPPORTUNITY CENTER, at 1501 Plum Creek Parkway, Lexington, Nebraska; and

WHEREAS, this special event is to be commemorated and celebrated on February 18, 2011 by a Ribbon Cutting and Open House;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that for purpose of celebrating this important occasion, the consumption of alcohol shall be permitted specifically within Room 204 of the Dawson County Opportunity Center, owned by the City of Lexington, Nebraska, on February 18, 2011, between the hours of 4:00 p.m. and 9:00 p.m.

Passed and approved on February 8, 2011.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**PAY REQUEST:** Peplitsch reviewed Pay Request #9 (Final) from Paulsen, Inc. for the Opportunity Center Phase 1 project in the amount of \$51,600.08. Moved by Tomasek, seconded by Miller, to approve the pay request as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Motion carried.

**PLANNING SESSION:** Council and Staff discussed potential dates for a planning session. Following discussion, moved by Bennett, seconded by Miller, to schedule a planning session for Saturday, February 26, 2011, at 8 am in the Council Chamber. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Fagot. Motion carried.

**ROUNDTABLE:** Fagot reported on his discussions with State Senator John Wightman regarding proposed legislative bills impacting municipal funding.

**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