

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 28, 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, Linda Miller, Joni Bennett and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, 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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 6-14-2011 Minutes of the Regular meeting held Tuesday, June 14, 2011, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$473,382.78 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$252,055.16 from the General Fund, \$4,166.67 from ED Reuse, \$152,950.02 from LEXUS, \$29,281.84 from Sanitation, \$339.96 from Ambulance Fund, \$29,687.63 from Health Fund, and \$4,901.50 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
June 28, 2011

AFLAC	Premium	1,360.59
Associated Pool Builders, Inc.	Aquatic Center Service	150.00
Associated Supply Company, Inc.	Aquatic Center Supplies	188.79
Axis Capital, Inc.	Mail Machine Pmt	840.00
Berke, David	Yard Clean-up	560.00
Bob's Auto Repair & Service, Inc.	Central Garage Service / Repair	251.96
Business Card	BI/ST/WWTP/Lib/Ofc Spls/Conf	4,092.80
Card Center/Orscheln	ST/PK/AC/WWTP/WR/EL Spls	569.18
Cash-Wa Distributing	Food & Supplies	2,047.64
Central Community College	Pool CPR Classes	1,296.00
Central Garage Fund	Service & Repair	9,231.85
Centurion Technologies, Inc.	Library Service	50.00
Coca Cola/Dr.Pepper Bottling of Kearney	Beverages	855.00

Consolidated Management Company	Police Training Meals	108.00
Copycat Printing	Building Inspection Supplies	123.16
Dakota Supply Group	Well #10 WR Meter	1,701.36
Davis Energy, Inc.	Fuel	3,674.98
Dawson County Clerk	Dispatch Fee	25,000.00
Dawson County Fairgrounds	Library Booth	50.00
Downey Drilling, Inc.	Aquatic Center Repair	150.00
Eakes Office Plus	Library Supplies	54.42
Eagan Supply Company	DC Opportunity Center Supplies	147.71
Electric Fixture & Supply	WR Supplies	50.36
EZ Liner Industries	Central Garage Supplies	538.63
Gale Group, The	Library Books	145.60
Galls	Police Supplies	162.27
Great Western Bank-Lib. Petty Cash	Postage / Food / Supplies	223.62
H. O. Smith Co.	DTR Phase II / Title Certificate	125.00
Hach Company	Testing Supplies	75.78
Hawkins, Inc.	Aquatic Center Chemicals	227.68
HD Supply Waterworks	Meter Yokes	2,473.04
Health Claims Fund	Claims	24,823.75
Holbein, Dahlas D.	Maint/Cleaning/Yard Clean-up	1,085.00
Ingram Library Services	Library Books	1,081.87
Jim Phillips Const.	Main Breaks/ST Repair/Wind Damage Repairs/ House Demo	15,438.00
Knapp Electric, Inc.	Aquatic Center Repair	141.62
Laurie Carlson & Assoc., LTD.	Central Garage Supplies	135.20
Lexington Newspapers, Inc.	Publications	123.78
Lexington Recreation Program	Softball Tourney Start-up/Umpires	6,450.00
Lincoln Winwater Works	WR Supplies	242.90
Mac's Short Stop	Food & Supplies	118.22
Mast's Fire Extinguisher Sales	Fire Supplies	40.70
Matheson Tri-Gas, Inc.	Ambulance Supplies	55.60
Matt Parrott and Sons Co.	UTL Envelopes	207.83
Mead Lumber & Rental - Lexington	PK/ST/Cem/WWTP/CG Supplies	835.40
Midland Scientific, Inc.	WWTP Supplies	85.49
Miller & Associates, Inc.	5thSt Imp/NW4th Replat/ Fencing	6,725.46
Municipal Supply	WR Supplies	1,509.57
Nebraska Dept.of Economic Development	Mid Plains CDBG Pmt	4,166.67
Nebraska Public Health Environmental Lab	WR Testing	160.00
Nebraska Environmental Products	Central Garage Supplies	560.00
Nebraska National Bank	Copier Payments	1,195.44
Overton Community Center	Meals on Wheels	100.00
Oxmoor House, Inc.	Library Book	36.91
Paulsen Inc.	WR / PK Repairs	251.48
Plum Creek Market Place	Food & Supplies	20.53
Presto-X	Library Service	93.00
S & W Auto Parts, Inc.	Central Garage Supplies	1,164.16
Schemmer Associates, The	Jackson St Improv - 8th to 13th St	4,921.83
Service Master Mid Nebraska	Cleaning Service	4,741.00
T. O. Haas Tire Co., Inc.	Repair	63.21
TASC	Flex Plan Admin Fees	177.48
Technical Maintenance & Service	WWTP Repair / Service	353.50
Tingelhoff, Tiffany	Pool Training	40.00
U-Save Business Equipment	Business Office Supplies / Postage	169.37
Upstart	Library Supplies	82.25
USA Bluebook	WWTP Chemicals	702.90
Verizon Wireless	Cellphone Service	127.71
Wal-Mart	Supplies	890.24

Alamar Uniform Co.	Uniform Expense	242.00
Berke, David	Yard Clean-up	45.00
Case Credit Advantage	Central Garage Supplies	236.77
Cash-Wa Distributing	Food & Supplies	3,524.53
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	304.00
Consolidated Management Company	Police Training Meals	94.00
Dan's Sanitation	Sanitation Fees	29,281.84
Diamond Vogel Paint	ST Supplies	339.30
Downey Drilling, Inc.	WWTP-Repair Main WR Well	5,260.39
Dutton-Lainson Company	Electronic Meters	815.34
Eakes Office Plus	Copier Rent / Copies	271.20
Electric Fixture & Supply	ST / EL Supplies	99.29
Farmer Brothers Coffee	Food	309.20
Great Western Bank-City Petty Cash	Bvrgs/Pstg/Meals/Police Dues/Spls	135.78
Harry Ferris Company	WWTP Repair	540.00
HD Supply Waterworks	WR Supplies	6,407.98
Health Claims Fund	Claims	3,325.81
Hobart	GGC Repair	251.80
IES Commercial, Inc.	Rec-Wind Storm Damage Repair	1,979.68
League of Nebraska Municipalities	Directory	57.50
Lexington Newspaper, Inc.	Publications	236.82
Lexington Recreation Program	Additional Start-up / Petty Cash	800.00
Lexington Utilities System	Utilities	43,467.51
Lexington, City of	Franchise Fees	64,609.51
Payroll	Wages	141,026.08
Social Security	Employer Portion / FICA Med	10,427.98
First National Bank	Employer Portion / Pension	3,700.59
First National Bank	Police Pension	1,617.64
ICMA	City Manager Pension	443.08
LIPS Printing Service	WR Reports	2,354.11
Mac's Short Stop	Food	40.07
Matheson Tri-Gas, Inc.	Ambulance Supplies	39.40
Mead Lumber & Rental-Lexington	Aquatic Center / WWTP Supplies	105.96
Mid-Nebraska Food Bank	Food	23.20
Mid-West Plastering and Construction	DTR-Phase II - Bldg Upgrade	9,999.00
Morris Press	GGC Supplies	80.30
Municipal Supply	WR Supplies	883.90
Nebraska Crime Commission	Police Books	45.00
NE Law Enforcement Training Center	Police Training	50.00
Paulsen, Inc.	Concrete	87.74
Plum Creek Market Place	Food	78.87
Roberts Dairy Company	Beverages	339.34
Schwan's Sales Ent	Food	89.31
Service Master of Mid Nebraska	Cleaning Service	78.75
Sport Supply Group, Inc.	Rec Supplies	95.94
Thompson Co., The	Food & Supplies	1,315.54
U-Save Business Equipment	GGC / ST Supplies	166.31
Village Uniform	GGC Supplies	15.70
Wal-Mart	Supplies	65.23
Weathercraft Companies, Inc.	Soccer Flds Concession Counter Door	1,935.00
	TOTAL CLAIMS:	473,382.78

RESOLUTION:

Resolution No. 2011-24 was presented. Peplitsch noted that increasing energy, maintenance, and personnel costs were considered in setting new water utility fees, which represented a 4% increase over current fees, or approximately 50 cents per residential service per month; the first rate increase

in two years. Following discussion, moved by Miller, seconded by Tomasek to approve Resolution No. 2011-24 as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-24

WHEREAS, Lexington City Code Sections 27-34 authorize the City Council to establish by Resolution a schedule of rates and charges for water use.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following water rates for the following use classifications are established and shall take effect August 1, 2011, to be reflected on billings following such date. That all other water rates previously established shall remain unchanged:

Water Rates:

Residential Metered: The first 5,000 gallons \$13.25 monthly minimum
> 5,000 gallons \$0.90 per 1,000 gallons

Residential Flat Rate: \$20.25 per dwelling unit per month

Commercial Metered: The first 5,000 gallons \$13.25 monthly minimum
> 5,000 gallons \$0.90 per 1,000 gallons

Multi-unit Service Fee: \$7.25 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.

Industrial Metered: \$0.2334 per 1,000 gallons

PASSED AND APPROVED this 28th day of June, 2011.

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

GRANT APPLICATION:

Pepplitsch requested Council authorization for the Mayor to sign all necessary documentation required for a grant application to the Economic Development Administration. Following a review of the grant application and its anticipated use for infrastructure related to business expansion in the southeast area of the city, moved by Miller, seconded by Salem, to authorize the Mayor to execute all necessary documents related to the EDA grant application. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

CABLE FRANCHISE:

Resolution No. 2011-25 was presented. Pepplitsch explained that a new franchise agreement with Charter Communications has been received but not finalized as of the date of expiration of the current agreement. He noted that this would prevent any lapse in service until a final agreement has been reached. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 2011-25 as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-25

CONSENT AND APPROVAL
OF
LOCAL FRANCHISING AUTHORITY

TO
AMEND CABLE TELEVISION FRANCHISE ORDINANCE NO. 1925

WHEREAS, CCVI, LLC locally known as Charter Communications (“Charter”) currently holds a cable franchise with the City of Lexington, Nebraska (“Franchise”); and

WHEREAS, Charter’s franchise with the City of Lexington has expired on June 22, 2011; and

WHEREAS, Charter timely filed its request for renewal of the Franchise under Section 626 of the Cable Act; and

WHEREAS, it is in the public interest to extend the current Franchise for an additional period of time so that cable service to the public will not be interrupted;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lexington NE, that the Franchise of Charter shall be extended on a month-to-month basis until the Franchise is renewed or either party gives the other 90 days written notice of its intent to terminate this extension. Execution of the Extension shall not constitute a waiver of the City of Lexington or Charter’s rights respecting the Franchise. Charter shall not be required to send another request for renewal of its Franchise under Section 626 as a result of this Extension.

PASSED AND APPROVED this 28th day of June, 2011.

City of Lexington, Nebraska

By: John Fagot, Mayor

ACCEPTED this _____ day of _____, 2011.

CCVI, LLC, l/k/a Charter Communications

By: _____
Name/Title: _____

ORDINANCE:

Ordinance No. 2299 entitled “AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO ALLOW PARKING ON TAFT STREET FROM 5TH STREET TO 13TH STREET; TO REPEAL ORIGINAL SECTION 16-45 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. Peplitsch noted that on-street parking is currently prohibited on the majority of N. Taft Street. Finding no known reason for the current restrictions, he proposes to limit the on-street parking restrictions only to the area of N. Taft Street between 5th Street and Highway 30. Following discussion, moved by Salem, seconded by Bennett to approve Ordinance No. 2299 on first reading. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO ESTABLISH BUSINESS LICENSES AND REGULATIONS AS CHAPTER 13 OF THE LEXINGTON CITY CODE; PROVIDE REGULATION OF VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT

HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Peplitsch reviewed the proposed ordinance to amend and incorporate street vendor regulations into a revised chapter of the City Code under a “Business Licenses and Regulations”. Discussion included restricting vending locations along Hwy 283 from I-80 north to Prospect Road, as well as definition changes. Following the discussion, moved by Miller, seconded by Salem, to approve Ordinance No. 2300 on first reading. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

FINANCIAL REPORT:

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

AGREEMENT:

Resolution No. 2011-26 was presented. Peplitsch reviewed a Supplemental Agreement with NDOR for the 17th, Madison-Van Buren Paving Improvement project. Following discussion, moved by Bennett, seconded by Tomasek, to approve Resolution No. 2011-26 as presented. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

RESOLUTION NO 2011-26

SIGNING OF A SUPPLEMENT TO A PROJECT PROGRAM AGREEMENT

Agreement Number BL1180; Supplement Number 1

WHEREAS: The City of Lexington and the State of Nebraska Department of Roads (NDOR) have previously entered into an Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain federal funds; and

WHEREAS: The City of Lexington understands that it must continue to strictly follow all Federal, State and Local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS: The City of Lexington and NDOR wish to enter into a Supplemental Project Program Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project;

NOW BE IT RESOLVED by the City Council, City of Lexington, Nebraska, that John Fagot, as President of the Council, is hereby directed and authorized to sign the attached Supplemental Project Program Agreement No. 1 between the City of Lexington, Nebraska, and the NDOR.

The City of Lexington is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

Project No. URB-6558(1); Control No. 61537
Project Name: 17th Street, Madison-Van Buren, Lexington,

PASSED AND APPROVED this 28th day of June 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

ROUNDTABLE:

Peplitsch and Burnside gave updates of several current projects.

Fagot requested Council support of Staff enforcement of current ordinances.

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 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.

City Clerk