

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 11, 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 Peplitsch, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by Kearney Hub and the Lexington Clipper-Herald.

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 9-27-2011 Minutes of the Regular meeting held Tuesday, September 27, 2011, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,109,454.97 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$416,816.04 from the General Fund, \$59,250.32 from TIF, \$1,585,091.58 from LEXUS, \$10,000.00 from Sanitation, \$26,553.75 from Ambulance Fund, \$7,744.20 from Health Fund, and \$3,999.08 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 11, 2011**

All Points Cooperative	Fuel / Weed Spray	1,619.67
Arrow Seed Company, Inc.	PK / Cem Seed	699.00
Associated Pool Builders, Inc.	Winterize Aquatic Center	1,350.00
Associated Supply Company, Inc.	Aquatic Center Supplies	435.75
B & D Office City	ST Supplies	283.67
Benefit Consultants Group	Fire Pension Deconversion Fee	1,600.00
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center - Ph III	5,101.20
Berke, David	Yard Clean-up	110.00
Blue Cross Blue Shield	Ambulance Refund	126.63
Central Garage Fund	Equip/Vehicle Svc/Fuel Reports	12,974.60
Community Redevelopment Authority	SE Subdivision	7,050.86
Consolidated Management Company	Police Training Meals	97.25

Dan's Sanitation	Sanitation Fees	13,844.28
Davis Energy, Inc.	Fuel	4,948.50
Dawson Area Development	Membership Dues	13,500.00
Dawson County Clerk	Dispatch Fees	25,000.00
Dawson County Register of Deeds	Filing Fees	23.50
Dawson County Transit Bus	Transportation	32.00
DeAnda, Angelica	EL Rebate	900.00
Demco, Inc.	Library Supplies	42.77
Depository Trust Co.	08 CU Bond/10 GO Bond	295,043.75
Diamond Vogel Paint	PK / ST Paint	1,342.62
Downey Drilling, Inc.	Aquatic Center Pump Repair	3,631.06
Dutton-Lainson Company	EL Meters	407.68
Eakes Office Plus	Municipal Bldg Copier	14,183.00
EBSCO Subscription Service	Library Subscriptions	1,166.55
Electric Fixture & Supply	ST Supplies	129.91
EMS Billing Services, Inc.	Ambulance Service	2,726.50
Fagot Refrigeration & Electric, Inc.	Svc & Rep	1,214.73
Farm Plan	Central Garage Supplies	50.60
Fed-Ex	Shipping Chgs	32.92
FYR-TEK, Inc.	Fire Dept Compressor Svc & Rep	1,753.33
Galls	Police Supplies	152.94
Good Housekeeping	Library Subscription	19.97
HD Supply Waterworks	WR Supplies	2,519.56
Health Claims Fund	Claims	4,054.18
Holbein, Dahlas D.	Lawn Service / Yard Clean-up	600.00
Homestead Bank	NW Improvement Pmt	52,199.46
Ingram Library Services	Library Books	753.80
Intellicom Computer Consulting	DCOCenter - Ph III Service	2,237.68
Jim Phillips Const	Main Breaks/Sidewalk/St Rep	22,585.00
Kring, Florence	Ambulance Refund	375.00
Lexington Area Chamber of Commerce	Membership Dues	4,470.00
Lexington Animal Clinic	Animal Care	950.80
Lexington Area Solid Waste Agency	Landfill	925.56
Lexington Feeders Service	PK / ST / WR Uniform Expense	831.39
Lexington Health Fund	Self-Funding	31,158.80
Lexington Newspapers, Inc.	Publications	530.68
Lexington Postmaster	Postage	150.00
Lexington Public Schools	Save Our Schools / EL Refund	8,086.00
Lexington Regional Health Center	Wellness / Ambulance Supplies	419.00
Lexington Volunteer Fire Department	Ambulance Fees	4,179.33
Lexington Utilities System	Utilities	44,563.91
Payroll	Wages	110,796.16
Social Security	Employer Portion / FICA Med	8,149.89
First National Bank	Employer Portion / Pension	3,660.10
First National Bank	Police Pension	1,748.26
ICMA	City Manager Pension	443.08
Lein, Inc.	Sprinkler Repair	337.40
Linda's Stitches & Creations	PK / ST / WR Uniform Expense	1,160.21
Matheson Tri-Gas, Inc.	Ambulance Supplies	72.00
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	Cem/WWTP/Muni Bldg/ST Spls	281.46
Menards-Kearney	Fire Dept Supplies	255.97
Meritain Health	Health Premium	23,075.54
Midland Scientific, Inc.	Testing Supplies	222.54
Midwest Living Magazine	Library Subscription	19.97
Miller & Associates, Inc.	NW 4th UTL Development	9,040.45
Morris Press	GGC Service	73.00

Motzner, Bill	Cemetery Space Refund	800.00
Mr. Automotive	Fire Dept Supplies	15.15
Municipal Supply	WR Supplies	109.98
Nebraska Public Power District	Power Purchase	1,073,865.91
Nebraska Public Power District	O & M	65,000.00
Nebraska Truck & Equipment Co.	Fire Dept Vehicle Svc & Rep	1,470.85
Nebraskaland Magazine	Library Subscription	19.26
Northern Safety Co., Inc.	WR Supplies	829.41
Original Watermen	Aquatic Center Supplies	80.67
Overton Sand & Gravel	Road Gravel	799.81
Pinnacle Bank	Ambulance Pmt	18,352.45
Platte Valley Communications of Kearney	Maintenance / Radio Repair	593.40
Principal	Dental Premium	1,834.72
R S Stover Company	WWTP Supplies	642.28
S & W Auto Parts, Inc.	Central Garage / WWTP Supplies	320.39
Scholastic Library Publishing	Library Books	152.10
Service Master Mid Nebraska	Cleaning Service	2,124.12
Source Gas, LLC	Gas Service	3,995.26
Sterling West	PK Supplies	239.04
Svoboda, Bernard	EL Rebate	1,800.00
T. L. Sund Constructors, Inc.	Soccer Complex Fence	5,757.00
Taste of Home Books	Library Books	30.98
Team Detail & Quicklube	Car Washes / Uniform Repair	63.98
Thalman, Julie	Cleaning Service	160.00
Torres, Consuelo	EL Rebate	900.00
Total Lawn Care	Lawn Service	2,771.00
TriCare, Inc.	Ambulance Refund	72.03
U-Save Business Equipment	BO/Police/Muni Bldg Spls/Postage	2,647.55
Unitech	ST Supplies	149.00
Univar USA, Inc.	Caustic Soda	8,169.00
UNO NE Certified Public Mgr Program	Tuition / Brecks	2,807.00
Utility Service Co., Inc.	WR Towers Painting/Maintenance	26,211.04
Wal-Mart	Supplies	52.88
All Points Cooperative	Weed Killer	746.00
All You	Library Subscription	20.04
Barmore Drug Store, Inc.	EL Incentive Program	1,440.00
Becker, Layne	UTL Refund	90.62
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center - Phase III	4,362.37
Cash-Wa Distributing	Food & Supplies	1,996.48
Catering by Design Books	Library Books	112.85
Central Community College	Classes	356.00
Culligan Water Conditioning Co.	Soft Water Supplies	202.06
Davis Energy, Inc.	Fuel	2,650.75
Dawson Pest Control	GGC Service	36.75
Dawson Public Power	Power Purchase	4,670.53
Dutton-Lainson Company	ST Light Poles	7,248.18
Eakes Office Plus	Library Supplies	210.57
Egan Supply Company	ST/DCOC Supplies	77.74
Electric Fixture & Supply	Muni Bldg / Fire Dept Supplies	79.34
Fagot Refrigeration & Electric	PK / Well #9 & #16 Repair	444.42
Farm Plan	WWTP / PK Supplies	133.05
Farmer Brothers Coffee	Food & Supplies	327.46
Fastenal	WWTP Supplies	493.26
Frederick, Michael	Library Books	44.00
Glaze, Douglas J.	1/2 of Boots	42.49
Great Plains One-Call Service	Locates	104.97
Health Claims Fund	Claims	1,828.20

Ingram Library Services	Library Books	95.35
Intellicom Computer Consulting	DCOC-Ph III Service & Supplies	14,719.83
Jones Plumbing & Heating, Inc.	Supplies & Repair	955.55
K.R.V.N. Radio	Advertising	208.00
Lexington Glass Co., Inc.	WR Vehicle Supplies	150.00
Lexington Newspapers, Inc.	Publications	87.77
Lexington, City of	Franchise Fees	6,685.38
Lips Printing Service	UTL Office Supplies	477.40
Lundeen-Isaacson, Inc.	Fire Dept Insurance Premium	13,566.00
Mead Lumber & Rental-Lexington	Business Office Supplies	15.16
Midland Scientific, Inc.	WWTP Testing Supplies	289.55
Midwest Laboratories, Inc.	WWTP Testing Supplies	956.20
Municipal Supply	NW Sr Housing WR/SW Supplies	10,301.76
Nebraska Public Health Environmental Lab	WR Testing	416.00
Nebraska Department of Revenue	Sales & Use Tax	49,416.08
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,211.61
Oliver Consulting Services, Inc.	Library Computers	2,250.00
Overton Sand & Gravel	Fill Sand / Road Gravel	512.07
Paulsen, Inc.	Concrete	498.92
PCWorld	Library Subscription	19.97
Pinnacle Agency, The	WWTP Vehicle Premium	71.00
Platte Valley Communications of Kearney	Svc Bldg Cameras/PK/WR Repair	1,099.05
Plum Creek Cleaners	Rug Service	191.00
Plum Creek Market Place	Food & Supplies	28.45
Reiman Publications	Library Book	30.98
Robert's Dairy Company	Beverages	454.60
S & W Auto Parts, Inc.	Ambulance / PK Supplies	34.44
Thompson Co., The	Food & Supplies	992.08
U-Save Business Equipment	GGC / ST Supplies	111.57
W P C I	Drug Test	27.10
Wal-Mart	Supplies	367.29
	TOTAL CLAIMS:	2,109,454.97

ORDINANCE:

Ordinance No. 2308 entitled "AN ORDINANCE TO VACATE THE PLATTED ALLEY LOCATED IN BLOCK 52 ORIGINAL TOWN OF LEXINGTON; TO PROVIDE FOR RETAINED UTILITY EASEMENT AND REVERSION OF THE VACATED ALLEY TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Pepplitsch noted that the alley vacation is being requested by the current property owner, Joe Maloley. He indicated that the need for an alley in this area is questionable, and believed the vacation request appeared reasonable if the city would maintain a perpetual easement for utilities. Following discussion, moved by Salem, second by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2308 was presented for Final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2308 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2011-34 was presented. Pepplitsch noted that no adverse comments were received regarding the sale of property to Greater Lexington Corporation. Following discussion, moved by Miller, seconded by Bennett, to

approve Resolution No. 2011-34 as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-34

WHEREAS, the City has by Ordinance No. 2305, approved the sale of the following described real estate owned by the City, to-wit:

Lot 1, Block One, Northwest Fourth Addition to the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to Greater Lexington Corporation, the purchaser thereof.

PASSED AND APPROVED October 11, 2011.

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

LOAN APPLICATION:

Pepplitsch reviewed a proposed loan agreement with the Greater Lexington Corporation from the Housing Re-Use program. He noted the \$135,000 loan would be used to construct duplexes for their 55+ housing project, which is in line with the re-use program guidelines. Following discussion, moved by Salem, seconded by Bennett, to authorize the City Manager to execute loan documents as presented. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

ELECTRIC PROJECT:

Pepplitsch reviewed an electric system capital improvement proposal, and gave a progress report on the system voltage conversion plan. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Manager to approve the capital project as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

ORDINANCE:

A draft ordinance entitled “AN ORDINANCE TO AMEND SECTIONS 28-10.5, 28-11.4 and 28-20.5; TO REPEAL ORIGINAL SECTIONS 28-10.5, 28-11.4 and 28-20.5, 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 for discussion. Pepplitsch requested Council input on an ordinance that would amend the zoning code to provide clear and consistent special use permit requirements for the development of trailer (RV) parks and campgrounds in agricultural, highway commercial, and light industrial zones. Following discussion, no action was taken.

ROUNDTABLE:

Pepplitsch reviewed several current projects including the 13th Street and Opportunity Center Phase 3 projects. He noted that documents for the recently awarded EDA grant have been received and are currently being reviewed by staff. He will send out potential dates for a planning session in November.

Linda Miller and Joni Bennett volunteered to continue to serve as Council representatives to meet with the School's Building and Grounds committee.

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
Deputy City Clerk