

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 8, 2012, 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, Linda Miller, and John Salem. Joni Bennett was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Austin Thornburg, Diane Adams, and Connie Bennett were also in attendance.

**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 4-24-2012** Minutes of the Regular meeting held Tuesday, April 24, 2012, were presented for Council approval. Moved by Tomasek, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Salem, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,875,859.21 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$235,914.42 from the General Fund, \$1,604,459.78 from LEXUS, \$10,000.00 from Sanitation, \$2,940.23 from Ambulance Fund, \$17,771.45 from Health Fund, and \$4,773.33 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
May 8, 2012

|                                 |                                 |           |
|---------------------------------|---------------------------------|-----------|
| Alamar Uniform Co.              | Police Uniform Expense          | 62.97     |
| All Points Cooperative          | Fuel / Fertilizer / Weed Killer | 6,467.94  |
| Anderson Graphics               | Library Service                 | 105.60    |
| Annie's Attic Books             | Library Book                    | 19.94     |
| Arlan Ackerman Construction     | DTR Phase II Prj at V-Man's     | 1,119.00  |
| Awards Plus                     | Tree Board Expense              | 16.00     |
| Bennett Advertising Specialties | Business Cards                  | 92.70     |
| Better Homes and Gardens        | Library Books                   | 31.91     |
| Book Farm, Inc., The            | Library Books                   | 315.51    |
| Buysm Sod                       | Cemetery Sod                    | 190.00    |
| Case Credit Advantage           | WWTP Equipment Parts            | 835.00    |
| Cash-Wa Distributing            | Food & Supplies                 | 3,460.61  |
| Central Garage Fund             | Fuel                            | 11,044.93 |

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| Coca Cola Bottling of Kearney       | Beverages                              | 892.00     |
| Commercial Maintenance Chemical     | SW Degreaser                           | 846.09     |
| Consolidated Management Co          | Police School Meals                    | 236.75     |
| Culligan Water Conditioning Co.     | Soft Water Supplies                    | 202.66     |
| Dan's Sanitation                    | Sanitation Fees                        | 11,320.60  |
| Davis Energy, Inc.                  | Fuel / Propane                         | 6,081.67   |
| Dawson Pest Control                 | GGC / DCOC Service                     | 91.35      |
| Diabetic Living                     | Library Book                           | 31.91      |
| Ditch Witch of Nebraska, Inc.       | WR Supplies                            | 188.52     |
| Dugan Business Forms                | UTL Supplies                           | 580.64     |
| Eakes Office Plus                   | Library Supplies / Service Bldg Copies | 154.39     |
| Egan Supply Company                 | DCOC Supplies                          | 259.00     |
| Electric Fixture & Supply           | WWTP / GGC / EL / WWTP Supplies        | 133.86     |
| EMS Billing Services, Inc.          | Ambulance Billing Service              | 1,693.73   |
| Evident                             | Police Supplies                        | 336.25     |
| Fagot Refrigeration & Electric      | GGC Service / Repair                   | 300.00     |
| Fox Bros. Hay Co., Inc.             | Wood Grinding                          | 6,280.50   |
| Gale Group, The                     | Library Books                          | 226.76     |
| Graphic Screen Printing             | Police Uniform Expense                 | 64.00      |
| Hach Company                        | WWTP Testing Supplies                  | 299.28     |
| HD Supply Waterworks                | WR Meters / Supplies                   | 5,801.76   |
| Health Claims Fund                  | Claims                                 | 14,332.46  |
| Holbein, Dahlas D.                  | Lawn Care                              | 330.00     |
| International City/County Mgmt Assn | Membership Dues                        | 520.00     |
| Ingram Library Services             | Library Books                          | 436.27     |
| International Code Council, Inc.    | Bldg Insp Book                         | 88.75      |
| Jim Phillips Const.                 | ST Repair                              | 8,280.00   |
| Jones Plumbing & Heating, Inc.      | PK/AC/Lib Svc/Rep/Supplies             | 2,930.71   |
| Jones Plumbing & Heating, Inc.      | DTR Phase II Pj Edward D Jones         | 9,250.00   |
| Knapp Electric, Inc.                | Lift Station Pumps Conversions         | 7,030.22   |
| Lexington Animal Clinic             | Animal Care                            | 969.10     |
| Lexington Area Solid Waste Agency   | Landfill                               | 840.33     |
| Lexington Health Fund               | Self-Funding                           | 33,007.01  |
| Lexington Newspapers, Inc.          | Publications                           | 357.47     |
| Lexington Postmaster                | GGC Postage                            | 165.00     |
| Lexington Recreation Program        | Pool / Rec Start-up                    | 1,000.00   |
| Lexington Volunteer Fire Dept.      | EMT Class                              | 93.24      |
| Lexington, City of                  | Franchise Fees                         | 52.45      |
| Payroll                             | Wages                                  | 114,631.36 |
| Social Security                     | Employer Portion / FICA Med            | 8,411.54   |
| Union Bank & Trust                  | Employer Portion / Pension             | 3,758.90   |
| Union Bank & Trust                  | Police Pension                         | 1,772.65   |
| ICMA                                | City Manager Pension                   | 454.62     |
| Lincoln Winwater Works              | WR Supplies                            | 214.02     |
| Linda's Stitches & Creations        | Employee Shirts                        | 2,759.51   |
| Lips Printing Service               | WR Report Mailers                      | 726.36     |
| Matheson Tri-Gas Inc.               | Ambulance Supplies                     | 72.00      |
| Mead Lumber & Rental-Lexington      | WR Supplies                            | 94.37      |
| Meritain Health                     | Health Premium                         | 24,349.08  |
| Mid-State Units                     | PK / Cem Rental                        | 230.00     |
| Midland Scientific, Inc.            | WWTP Testing Supplies                  | 304.15     |
| Miller & Associates, Inc.           | Pro Service                            | 500.00     |
| Moore Medical LLC                   | Ambulance Supplies                     | 548.79     |
| Morris Press                        | GGC Service                            | 73.00      |
| Nebraska Department of Labor        | Unemployment                           | 1,870.00   |
| NE Law Enforcement Training Ctr     | Police School Lodging / Supplies       | 350.00     |
| NE Public Health Environmental Lab  | WR Testing                             | 647.25     |

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| Nebraska Public Power District    | O & M  | 65,000.00  |
| Nebraska Public Power District    | Adams T2 Transformer                         | 570,092.00 |
| NE Water Environment Assn         | WWTP Membership Dues                         | 20.00      |
| NebraskaLink                      | Library Service                              | 86.00      |
| Oliver Consulting Services, Inc.  | Library Computer Service                     | 300.00     |
| Olsson Associates                 | DTR Phase II Pro Service                     | 5,225.04   |
| Paulsen, Inc.                     | Concrete                                     | 897.62     |
| PCWorld                           | Library Subscription                         | 19.97      |
| Presto-X                          | Fire Dept Service                            | 87.15      |
| Principal                         | Dental Premium                               | 2,049.20   |
| Randy's Body Shop                 | Tow Expense                                  | 100.00     |
| Reutlinger, Roger                 | Pool Clinic                                  | 120.00     |
| Richardson Lawn Art               | Lawn Care                                    | 100.00     |
| Roberts Dairy Company             | Beverages                                    | 148.53     |
| Service Master Mid Nebraska       | Cleaning Service                             | 4,154.12   |
| Source Gas, LLC                   | DTR Ph II - Pro Bldg Partnership             | 6,969.00   |
| Source Gas, LLC                   | Gas Service                                  | 5,071.65   |
| Sport Supply Group, Inc.          | PK Supplies                                  | 90.48      |
| Statewide Collections LLC         | Collection Fees                              | 691.18     |
| Taste of Home Books               | Library Book                                 | 30.98      |
| Team Detail & Quicklube           | Police Uniform Expense                       | 43.50      |
| Thalman, Julie                    | Cleaning Service                             | 160.00     |
| Thomas Bouregy & Co Inc.          | Library Books                                | 139.50     |
| Thompson Co., The                 | Food   | 575.47     |
| Time                              | Library Subscription                         | 35.00      |
| Total Lawn Care                   | Lawn Care                                    | 900.00     |
| U-Save Business Equipment         | Postage / UTL Office / Admin Supplies        | 135.91     |
| VVS Surveillance Systems, Inc     | Police Maint Agmt/Muni. Bldg Door Svc        | 2,592.90   |
| Village Uniform                   | GGC Supplies                                 | 36.40      |
| Walmart                           | Supplies                                     | 471.18     |
| Ward Laboratories, Inc.           | WR Testing                                   | 10.00      |
| Wolf, Tracy                       | Membership Dues                              | 35.00      |
| ADA Solutions, Inc.               | Yellow ADA Panels for Sidewalks              | 2,640.00   |
| Ag & Auto Diesel Service, Inc.    | Central Garage Supplies                      | 26.46      |
| ASK Supply Co.                    | Weed / Insect Killer                         | 560.34     |
| Associated Supply Company, Inc.   | Aquatic Center Supplies / Repair             | 435.47     |
| Bloomberg Businessweek            | Library Subscription                         | 75.00      |
| Cash-Wa Distributing              | Food & Supplies                              | 398.46     |
| Central Fire & Safety, Inc.       | Test Fire Extinguishers                      | 1,012.50   |
| Central Garage Fund               | Service / Repair                             | 415.03     |
| Dawson County Register of Deeds   | Filing Fees                                  | 74.50      |
| Dawson County Surveyor            | Surveying Service                            | 2,100.00   |
| Dawson County Transit Bus         | Transportation                               | 20.00      |
| Dawson Public Power District      | Power Purchase                               | 422.98     |
| Eilers Machine & Welding, Inc.    | WWTP Supplies                                | 119.80     |
| Electric Fixture & Supply         | WWTP Supplies                                | 40.70      |
| Farm Plan                         | PK / Central Garage Supplies                 | 184.27     |
| Health Claims Fund                | Claims                                       | 1,389.79   |
| Hutchens Corporation              | WWTP Tank Repair                             | 2,319.11   |
| International Code Council, Inc.  | Membership Dues                              | 125.00     |
| Jones Plumbing & Heating, Inc.    | WWTP Repair                                  | 202.00     |
| Konica Minolta Business Solutions | Municipal Bldg / Police / Library Copies     | 775.44     |
| Lexington Regional Health Center  | Wellness / Ambulance Supplies                | 477.00     |
| Lien Inc.                         | Sprinkler Installation / Repair / Sod / Tree | 3,711.62   |
| Mac's Short Stop                  | Food   | 30.80      |
| McCookNet Internet Service        | Service                                      | 53.00      |
| Mead Lumber & Rental-Lexington    | Well House Supplies                          | 18.16      |

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| Midwest Laboratories, Inc.     | WWTP Testing Supplies            | 1,524.30            |
| Municode                       | Bldg Inspection Legal Manuscript | 2,440.00            |
| National Council on Aging      | Membership Dues                  | 145.00              |
| Nebraska Dept. of Revenue      | Sales & Use Tax                  | 43,399.30           |
| Nebraska Public Power District | Power Purchase                   | 841,609.60          |
| OCLC Inc.                      | Library Subscription             | 30.48               |
| Plum Creek Cleaner's           | Rug Service                      | 191.00              |
| Robert's Dairy Company         | Beverages / Food                 | 172.77              |
| Thompson Company, The          | Food                             | 984.62              |
| U-Save Business Equipment      | Postage / Paper                  | 23.73               |
| Wal-Mart                       | Supplies                         | 88.76               |
|                                | <b>TOTAL CLAIMS:</b>             | <b>1,875,859.21</b> |

**STREET DANCE:** Austin Thornburg, The Box Bar, requested Council authorization the use a portion of Washington Street for a street dance June 8<sup>th</sup> and 9<sup>th</sup> to coincide with the Plum Creek Rodeo, and to extend the hours of sale of alcohol from 1:00 am to 2:00 am for those days. Following discussion, moved by Miller, seconded by Tomasek, to approve the request for use of Washington Street for the street dance and to extend the hours of sale as requested. Roll call. Voting “aye” were Salem, Tomasek, Miller, Fagot. Motion carried.

**HOUSING AUTHORITY PILOT:** Diane Adams, Lexington Housing Authority, requested a waiver of the Payment in Lieu of Taxes agreement with the City of Lexington. Following discussion, moved by Miller, seconded by Salem, to approve a waiver of the PILOT agreement for fiscal year 2012. Roll call. Voting “aye” were Tomasek, Salem, Miller, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2012-09 was presented. Following an update of the project, moved by Salem, seconded by Tomasek, to approve Resolution No. 2012-09. Roll call. Voting “aye” were Miller, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
RESOLUTION NO 2012 - 09

SIGNING OF AN ENGINEERING SERVICES AGREEMENT

Whereas: The City of Lexington is developing a transportation project for which it intends to obtain Federal funds; and

Whereas: The project is named “6th Street, Grant - Taft” with the federal project number URB-6552(1), and the Nebraska Department of Roads Control Number 61554; and

Whereas: The City of Lexington as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with 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 Olsson Associates wish to enter into an Engineering Services Agreement to provide Preliminary Engineering Services for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington that:

John Fagot, Mayor, is hereby authorized to sign the attached Engineering Services Agreement between the City of Lexington and Olsson Associates.

PASSED AND APPROVED this 8th day of May 2012.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, City Clerk

**ORDINANCE:**

Ordinance 2316 entitled "AN ORDINANCE APPOINTING A CITY MANAGER; 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 an ordinance on three separate occasions. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance 2316 was presented on final reading. Moved by Miller, seconded by Tomasek, to approve Ordinance 2316 on final reading. Roll call. Voting "aye" were Salem, Tomasek, Miller, Fagot. Motion carried.

**MEETING DATE:**

Moved by Miller, seconded by Salem, to schedule a work session on Saturday, May 19, 2012, at 8 a.m. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:**

Peplitsch gave an update on various street improvement projects.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
Mayor

Pamela Berke  
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.

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City Clerk