

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 9, 2012, 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, Joni Bennett, Steve Tomasek, and John Salem. Council member Linda Miller was absent. City Officials present were City Manager Joe Peplitsch, City Attorney Will Weinhold and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Jen Wolf, Executive Director, Dawson Area Development, was also present.

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 9-25-2012 Minutes of the Regular meeting held Tuesday, September 25, 2012, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Tomasek, Bennett, Fagot. Motion carried.

MINUTES – WORK SESSION 9-29-2012 Minutes of the Work Session held Saturday, September 29, 2012, were presented for Council approval. Moved by Salem, seconded by Bennett to approve Minutes as presented. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,054,210.46 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$335,763.66 from the General Fund, \$33,639.79 from Street Fund, \$60,000.00 from Economic Development Fund, \$92,062.34 from TIF, \$1,480,978.09 from LEXUS, \$10,000.00 from Sanitation, \$23,917.39 from Ambulance Fund, \$13,505.54 from Health Fund, and \$4,343.65 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 9, 2012**

All Points Cooperative	Weed Spray / Fuel	1,430.09
Annie's Attic Books	Library Book	19.94
APWA	WWTP Conference	105.00
Arnold Pool Company	WWTP Chemicals	164.45
Associated Pool Builders, Inc.	Winterize LFAC	1,358.56
Baker, Michael	Mileage to School	199.80
Cash-Wa Distributing	GGC Food & Supplies	654.39

CCP Industries, Inc.	WWTP Supplies	186.26
Central Garage Fund	Fuel / Service / Repairs	14,542.40
Clark, Dan	Reimburse for DTR	676.94
Coca-Cola / Dr Pepper Bottling of Kearney	Beverages	60.00
Community Development Agency	Legend Oaks II/Paulsen's 1st Add Land Purchase	39,862.88
Consolidated Management Company	Police School Meals	194.50
Culligan Water Conditioning Co.	Soft Water Supplies	158.97
Dan's Sanitation	Sanitation Fees	11,260.60
Data-Pac Mailing Systems	Postage	1,500.00
Dawson Area Development	Pro Serv / Annual Dues	33,560.00
Dawson County Clerk	Quarterly Dispatch Fees	27,500.00
Dawson County Register of Deeds	Filing Fees	50.50
Dawson County Transit Bus	Transportation	24.00
Dawson Pest Control	GGC / DCOC Service	91.35
Depository Trust Co.	2008 Combined UTL / 2010 GO Bond Pmts	302,797.50
Downey Drilling, Inc.	Well #16 Motor Repair	4,604.34
Electric Fixture & Supply	WWTP Supplies	155.40
EMS Billing Services, Inc.	Ambulance Billing Service	1,537.53
Fagot Refrigeration & Electric Inc.	AC Unit/Pump Rpr/Lighting/Generator Wiring	12,655.08
Fairbanks International, Inc.	WWTP / WR Supplies	153.35
FYR-TEK, Inc.	Fire Dept Service / Supplies	309.60
Gale Group, The	Library Books	247.10
Galls	Fire Dept Supplies	819.84
Garden Lawn & Landscaping	Yard Clean-up	290.00
Great Plains One-Call Service	Locates	87.15
Health Claims Fund	Claims	7,866.10
Holbein, Dahlas D.	Lawn Care / Yard Clean-up	320.00
Homestead Bank	NW Improvements Payment	52,199.46
ICMA	Membership Dues	864.96
Ingram Library Services	Library Books	1,060.53
JEO Consulting Group, Inc.	Comprehensive Plan Study	12,899.90
Jim Phillips Const	ST / Curb Repair	7,900.00
Jones Plumbing & Heating, Inc.	WR / WWTP Supplies	77.24
Kratzer Electric, Inc.	PK Bldg Lighting Repair	514.05
Lexington Animal Clinic	Animal Care	926.08
Lexington Area Chamber of Commerce	Membership Dues	4,500.00
Lexington Area Solid Waste Agency	Landfill	891.00
Lexington Glass Co., Inc.	Cem Supplies	75.00
Lexington Health Fund	Self-Funding	32,735.51
Lexington Newspapers, Inc.	Publications	411.88
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Ambulance Supplies / Wellness	549.00
Lexington Revolving Loan Fund	USDA REDLG 20% Match	60,000.00
Lexington Volunteer Fire Dept.	Ambulance Fees	3,317.57
Lexington, City of	Franchise Fees	19.66
Lexington City Payroll Account		
Payroll	Wages	123,754.04
Social Security	Employer Portion / FICA Med	9,119.86
Union Bank & Trust	Employer Portion / Pension	4,212.37
Union Bank & Trust	Police Pension	1,981.34
ICMA	City Manager Pension	627.69
Lundeen-Isaacson, Inc.	Fire Pak Insurance	13,836.00
Mac's Short Stop	GGC Food	78.14
Matheson Tri-Gas Inc.	Ambulance Supplies	72.00
McCookNet Internet Service	Service	53.00
Mead Lumber & Rental-Lexington	WWTP Supplies	17.54
Mellen & Associates, Inc.	WWTP Actuator Assembly	2,293.08

Meritain Health	Premium	20,700.09
Morris Press	GGC Supplies	73.00
Mr. Automotive	Central Garage / Police Supplies	65.18
Municipal Automation & Control	WWTP Repair	908.10
Municipal Supply	WR Supplies	289.49
Nebraska Environmental Products	Central Garage Supplies	318.60
NE Law Enforcement Training Center	Police Certificate	50.00
Nebraska Machinery	Central Garage Supplies	82.69
Nebraska Public Power District	O & M	64,500.00
Nebraska Public Power District	Power Purchase	1,017,207.57
Paulsen, Inc.	Concrete	714.76
Pinnacle Agency, The	Added Vehicle Insurance Premium	46.00
Pinnacle Bank	Ambulance Payment	18,350.17
Plum Creek Cleaners	Rug Service	230.50
Primary Electric, Inc.	Remove Lighting Circuits - DTR Phase II	240.00
Principal	Dental Premium	2,259.58
Randy's Body Shop	Towing Expense	420.00
Reiman Publications	Library Book	31.98
Richardson Mowing	Lawn Care	150.00
Roberts Dairy Company	Beverages & Food	200.80
S & W Auto Parts, Inc.	WWTP / Central Garage Supplies	901.59
Service Master Mid Nebraska	Cleaning Service	4,804.12
Source Gas, LLC	Gas Service	1,274.32
Subway @ Wal-Mart	Meals	36.00
T. L. Sund Constructors, Inc.	WWTP Service	384.00
T. O. Haas Tire Co., Inc.	Tire / Repair	283.57
Thalman, Julie	Cleaning Service	160.00
Thompson Company, The	Food & Supplies	1,593.32
Titan Access Account	WWTP Supplies / Fire Unit Clutch Repair	2,257.49
Total Lawn Care	Lawn Care	900.00
U-Save Business Equipment	Postage/UPS/Business Office Supplies	817.17
Unisan Products	Serv Bldg / Muni Bldg Supplies	355.86
Utility Service Co., Inc.	WR Tower Maintenance	26,211.04
Value Line Publishing, Inc.	Library Subscription	898.00
Village Uniform	GGC Supplies	50.20
Wal-Mart	Supplies	217.45
Alamar Uniform Co.	Police Uniform Expense	307.38
All Points Cooperative	Fuel	48.56
Better Homes & Gardens	Library Book	25.90
Bottom Line/Health	Library Subscription	29.95
Capstone Press, Inc.	Library Books	731.14
Cash-Wa Distributing	Food & Supplies	760.59
Central Garage Fund	Service / Repair	2,212.29
Cozad Services, Inc.	Service Bldg Repair	70.57
Culligan Water Conditioning Co.	Soft Water Supplies	32.12
Dan's Sanitation	Sanitation Fees	117.00
Davis Energy, Inc.	Fuel	6,080.10
Dawson Public Power District	Power Purchase	8,837.73
Diamond Sales	Library Books	107.75
Eakes Office Plus	Library Supplies	466.97
Good Housekeeping	Library Subscription	21.97
Health Claims Fund	Claims	3,379.86
Holbein, Dahlas D.	Lawn Care	165.00
Ingram Library Services	Library Books	54.16
Intellicom Computer Consulting	Computer Service	178.17
John Deere Financial	Central Garage / PK Supplies	982.99
K.R.V.N. Radio	Scrap Tire Collection Ads	216.00

Kratzer Electric, Inc.	Service Bldg Repair	448.28
Lexington Glass Co., Inc.	PK Bldg Repair	78.00
Lexington Newspapers, Inc.	Advertisements	276.10
Mead Lumber & Rental-Lexington	ST / Cem Supplies	45.83
Midwest Laboratories, Inc.	WWTP Testing / Supplies	282.40
NE Public Health Environmental Lab	WR Testing	4,658.50
Nebraska Dept. of Revenue	Sales & Use Tax	52,087.78
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,069.12
Nebraskaland Magazine	Library Subscription	18.00
NebraskaLink	Library Service	15.00
Overton Sand & Gravel	Salt Gravel	1,092.47
Plum Creek Cleaners	Rug Service	40.00
Plum Creek Market Place	Food	76.82
Republican Valley Library	System Registration	15.00
Roberts Dairy Company	Food & Beverages	138.57
S & W Auto Parts, Inc.	ST Supplies	9.98
Service Master Mid Nebraska	Cleaning Service	78.75
Spivey, Clark	Library Book	8.99
T. O. Haas Tire Co., Inc.	Tire Repair	171.66
Wal-Mart	Supplies	194.85
	TOTAL CLAIMS:	2,054,210.46

ORDINANCE:

Ordinance No. 2319 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA REVISING ALL THE ORDINANCES OF THE CITY; ADOPTING AND ENACTING A NEW CODE FOR THE CITY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE” was presented on third reading. Following discussion, moved by Salem, seconded by Bennett, to approve Ordinance No. 2319 on third and final reading. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Fagot. Motion carried.

ANNUAL REPORT:

Jen Wolf presented the 2011-2012 Annual Report for Dawson Area Development, highlighting the progress made within the community and the county, and noted future plans. No action was taken.

WWTP IMPROVEMENT:

Pepplitsch presented plans and specifications for the WWTP Improvement project, reviewed each phase of the project, and requested authorization to advertise for bids. He noted bid opening is scheduled for November 6 with the project slated to be completed in February 2014. Following discussion, moved by Salem, seconded by Tomasek, to authorize the city manager to solicit bids for the WWTP Improvement project per plans and specifications presented. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

LOAN AGREEMENT:

Pepplitsch requested Council consideration of an amendment of the Lexington Economic Development Program loan agreement with Sund Investments LLC. He explained that the amendment provides gap financing for an expansion to the current speculative building owned by Sund Investments LLC and leased and occupied by Rayeman Elements. Following discussion, moved by Tomasek, seconded by Bennett, to approve the amendment to the loan agreement as presented and to authorize the city manager to execute the necessary documents. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Fagot. Motion carried.

ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO VACATE THAT PORTION OF 12th STREET LYING BETWEEN THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET AND THE WEST RIGHT-OF-WAY LINE OF GRANT STREET, TOGETHER WITH THE SOUTH 285 FEET OF THE PLATTED ALLEY IN BLOCK B, MACCOLL AND LEFLANG’S ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR REVERSION OF THE VACATED STREET AND ALLEY TO ADJOINING PROPERTY OWNERS; TO RETAIN EASEMENT FOR PUBLIC UTILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Peplitsch noted that the vacation is needed for the Middle School Improvement project to proceed. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2322 was presented on final reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2322 on final reading. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2323 entitled “AN ORDINANCE DIRECTING THE SALE OF PART OF TRACT 1, WAL-MART SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE” was presented. Peplitsch explained the need for the property swap between the City and O’Reilly Automotive for traffic and construction continuity for their retail store. Moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2323 was presented on final reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2323 on final reading. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION:

Peplitsch gave an update on various current projects. He noted that he will forward potential dates for a Council work session.

Weinhold noted that he will be absent from the October 23 council meeting.

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.

City Clerk