

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 12, 2013, at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Chief Building Inspector Bill Brecks and City Clerk Pamela Berke. The press was represented by 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 City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 2-26-2013 Minutes of the Regular meeting held Tuesday, February 26, 2013, were presented for Council approval. Moved by Miller, seconded by Vivas, to approve Minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Vivas, Miller, Fagot. Motion carried.

MINUTES – WORK SESSION 3-2-2013 Minutes of the Work Session held Saturday, March 2, 2013 were presented for Council approval. Moved by Roberts, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Miller, Salem, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,681,601.13 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$203,663.96 from the General Fund, \$48,355.39 from Street Fund, \$72.04 from Economic Development, \$12,647.58 from TIF, \$69.74 from Housing Reuse, \$1,333,678.83 from LEXUS, \$10,263.72 from Sanitation, \$5,222.05 from Landfill, \$3,565.83 from Ambulance, \$59,406.70 from Health Fund, and \$4,655.29 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
March 12, 2013

All Points Cooperative	Fuel / Supplies	352.64
Annie's Attic Books	Library Book	19.94
Auto-Graphics, Inc.	Library Software Support	850.00
Barco Municipal Products, Inc.	Speed Limit Signs	359.17
Berke, Pam	Conference Expense	205.58
Bottom Line / Personal	Library Subscription	39.00

Burnside, Dennis	Conference Expense	183.15
Cash-Wa Distributing Co.	Food & Supplies	1,139.29
CDW Government, Inc.	Municipal Bldg Supplies	147.29
Central Community College	EMT Class	1,548.00
Central Garage Fund	Fuel	13,223.10
Central Tire & Tread, Inc.	Tire Repair	128.00
Coca-Cola/Dr Pepper Bottling	Beverages	80.00
Culligan Water Conditioning Co.	Soft Water Supplies	191.09
Daake, August	EL Rebates	3,800.00
Dan's Sanitation	Sanitation Fees	11,473.16
Davis Energy, Inc.	Propane / Oil	154.75
Dawson County Transit Bus	Transportation	40.00
Dawson Pest Control	GGC Service	36.75
Depository Trust Co.	2011 Combined UTL Refunding Bond Pmt	21,262.50
Eakes Office Plus	Municipal Bldg Supplies	550.17
Egan Supply Company	DCOC / ST Supplies	187.48
Fagot Refrigeration & Electric	GGC / Muni Bldg / DCOC Repairs	2,429.96
Fagot, John	Conference Expense	187.58
Fairbanks International, Inc.	Truck Repair	454.70
Farmer Brothers Coffee	GGC Food	268.87
FYR-TEK, Inc.	Fire Dept Supplies	559.60
Gale Group, The	Library Books	178.42
Galls	Ambulance Supplies / Uniform Expense	1,146.83
Gempler's, Inc.	ST Supplies	68.50
Gnirk Lawn Care, Inc.	Aeration / Insecticide Applications	5,802.00
Gothenburg Times, The	Publication	5.40
Graphic Controls	WWTP Recorder	62.74
Great Plains Govt Finance Officers Assn	Membership Dues	85.00
Health Claims Fund	Claims	56,805.26
Holbein, Dahlas D.	Yard Clean-up / Snow Removal	785.00
Ingram Library Services	Library Books	517.19
JEO Consulting Group, Inc.	PK Master Plan/Comp Plan Study PJs	14,647.48
Jones Plumbing & Heating, Inc.	EL Bldg Repair / WR / WWTP Supplies	414.26
League of NE Municipalities	2013 Mid-Winter Conference	2,558.00
Lexington Area Solid Waste Agency	Landfill	488.64
Lexington Health Fund	Self-Funding	33,007.01
Lexington Housing Authority	EL Rebate	550.00
Lexington Newspapers, Inc.	Publications	275.64
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Wellness / Ambulance Supplies	805.00
Lexington, City of	Franchise Fees	10.12
Lexington City Payroll Account		
Payroll	Wages	120,787.84
Social Security	Employer Portion / FICA Med	8,922.23
Union Bank & Trust	Employer Portion / Pension	4,040.27
Union Bank & Trust	Police Pension	1,995.50
ICMA	City Manager Pension	470.77
Madeline's Café & Bakery	Food	18.95
Matheson Tri-Gas, Inc.	Ambulance Supplies	146.36
McCandless Backhoe, Inc.	Snow Removal	1,489.00
Mead Lumber & Rental-Lexington	ST/WWTP Supplies	65.16
Meritain Health	Premium	20,082.48
Mid-State Units	Rental	100.00
Midwest Laboratories, Inc.	WWTP Testing Supplies	494.35
Morris Press	GGC Supplies	136.00
NE Wastewater Environmental Assn	Registration Fee	250.00
NE Dept of Environmental Quality	WWTP Certificate Renewal	150.00

NE Planning & Zoning Assn	Registration Fees	170.00
Nebraska Public Power District	O & M	79,404.54
Nebraska Public Power District	Middle School / Adams 102 Conversion	36,004.84
Nebraska Public Power District	Power Purchase	994,236.31
Olmstead Sand & Gravel, Inc.	Truck Use-Snow Removal	3,750.00
One Call Concepts, Inc.	Locates	25.80
Overton Sand & Gravel	Road Gravel / Truck Use-Snow Removal	1,875.02
Pepplitsch, Joe	Conference / Travel Expenses	381.26
Primary Electric, Inc.	WWTP Service / Repair	3,685.83
Principal	Dental Premium	2,328.13
Quality Books, Inc.	Library Books	1,007.94
Rasmussen Mechanical Services	Library Maintenance	1,157.50
Roberts Dairy Company	Beverages	92.98
S & W Auto Parts, Inc.	EL Incentive Rebate	1,652.00
Salem, John	Conference Expense	187.58
Service Master Mid Nebraska	Cleaning Service	4,114.12
Source Gas, LLC	Gas Service	9,138.25
Standard Life Insurance Co	Premium	695.38
Taste of Home Books	Library Book	31.98
Thompson Co., The	Food & Supplies	503.16
Tri-City Tribune	Publication	6.18
U-Save Business Equipment	UPS/ST/BO/BI/LFAC/Lib/GGC Supplies	571.72
Union Bank & Trust	Fire Pension Contribution	18,500.00
Unisan Products	Library Supplies	105.33
Village Uniform	GGC Supplies	100.40
VSP / Vision Service Plan	Premium	591.72
Wal-Mart	Supplies	305.47
Western Engineering Co, Inc.	ST Supplies	315.84
AFLAC	Premium	1,310.12
Blue Cross Blue Shield	Ambulance Refund	29.54
Bonsack, Ray	EL Rebate	125.00
Brecks, Bill	Conference Expense	438.55
Cash-Wa Distributing Co.	Food & Supplies	509.52
Central Community College	CPR Class	44.00
Central Platte NRD	PK Trees	35.00
Community Development Agency	SW Line / Pavement at Express Laundry	12,647.58
Contryman Associates, P.C.	Audit Costs	20,000.00
Dan's Sanitation	Sanitation Fees	1,367.40
Data-Pac Mailing Systems	Postage	1,500.00
Dawson Pest Control	DCOC Service	54.60
Dawson Public Power District	Power Purchase	6,989.09
Fagot Refrigeration & Electric	Library Rep/Control Panel Install for AMI	1,303.91
Govt Finance Officers Assn	Membership Dues	190.00
HD Supply Waterworks	WR Meters for AMI PJ	37,711.08
Health Claims Fund	Claims	1,291.32
Intellicom Computer Consulting	Computer Service	650.25
Jones Plumbing & Heating, Inc.	Corrected Invoice	-9.66
Lakeside Country Club	Membership Dues	922.00
Lexington Animal Clinic	Animal Care	853.50
Mac's Short Stop	Food	35.47
McCookNet Internet Service	Internet Service	1,540.89
Milco Environmental Services Inc	Landfill Sampling/Remedial Action Plan	5,222.05
Municipal Automation & Control	WWTP Service/Repair/Install Hydroranger	2,759.71
Nebraska Dept. of Revenue	Sales & Use Tax	52,527.28
Nebraska State Historical Society	Membership Dues	40.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,073.13
NebraskaLink	Internet Service	395.00

OCLC, Inc.	Library Subscription	29.83
Oliver Consulting Services, Inc.	Library Computer Service	2,388.78
Paraclete Press, Inc.	Library Books	105.41
Plum Creek Cleaners	Rug Service	390.50
Plum Creek Market Place	Food & Supplies	141.23
Primary Electric, Inc.	WWTP Service / Repair	566.79
Roberts Dairy Company	Food & Beverages	245.61
Smart Computing Library	Subscription	29.00
Stock Seed Farms, Inc.	ST Supplies	84.00
Thalman, Julie	Cleaning Service	180.00
Thompson Co., The	Food & Supplies	630.36
Tools Renewed, Inc.	ST Supplies	20.07
Township, Lewis	Ambulance Refund	69.39
Tyler Technologies, Inc.	Consult/Setup/Training	17,228.58
Univar USA, Inc.	Ferric Sulfate	9,589.86
Wal-Mart	Supplies	7.94

TOTAL CLAIMS: 1,681,601.13

PUBLIC HEARING:

Mayor Fagot opened a public hearing to receive comment on the 2013 1&6 Year Street Improvement plan. Following a review of the plan and hearing no public comment, the public hearing was closed. Resolution No. 2013-05 was presented. Moved by Salem, seconded by Miller, to approve Resolution No. 2013-05. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

RESOLUTION OF ADOPTION 2013-05

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

BE IT FURTHER RESOLVED, this Program was approved:

XX Approved as presented
Approved with the following changes:

Date: March 12, 2013

John Fagot, Mayor

Attest: Pamela Berke, City Clerk

SUBDIVISION:

Pepplichtsch presented a subdivision plat, Replat of Tract 1 of the Wal-Mart Subdivision. He explained the layout and the intent of the replat. He noted that the Planning Commission has reviewed and recommends approval. Following discussion, Resolution No. 2013-06 was presented. Moved by Miller, seconded by Vivas, to approve Resolution No. 2013-06. Roll call. Voting “aye” were Salem, Roberts, Vivas, Miller, Fagot. Motion carried.

RESOLUTION NO. 2013-06

REPLAT OF TRACT 1 WAL-MART SUBDIVISION

REPLAT OF TRACT 1, WAL-MART SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of REPLAT OF TRACT 1, WAL-MART SUBDIVISION, a replat of Tract 1, Wal-Mart Subdivision to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 12th day of March, 2013.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

RESOLUTION:

Resolution No. 2013-07 was presented. Peplitsch reviewed the automated metering project and short-term financial requirements. Following discussion, moved by Miller, seconded by Roberts, to approve Resolution No. 2013-07. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION 2013-07

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR EQUIPMENT, INSTALLATION, AND IMPLEMENTATION COSTS FOR AN AUTOMATED METERING INFRASTRUCTURE (AMI) SYSTEM.

WHEREAS, the City of Lexington, Nebraska has entered into agreements for equipment, installation, and implementation of an Automated Metering Infrastructure (AMI) system; and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of such system improvements; and

WHEREAS, the City of Lexington, Nebraska is authorized by law to borrow funds to pay the cost of such system improvements.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City of Lexington, Nebraska is hereby authorized to contract for financing with Pinnacle Bank, Lexington, Nebraska. The loan amount shall not exceed \$1,000,000.00 for a term of 5 years at an interest rate of 2.23%.
2. That Joe Peplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 12th day of March, 2013.

City of Lexington, Nebraska

John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

LEASE AGREEMENT:

Pepplitsch presented a proposed lease agreement with Verizon Wireless for property located at the Optimist Recreation Complex. He reviewed the agreement for placement of a communication tower on 4,000 square feet of city owned property. Following discussion, moved by Vivas, seconded by Salem, to approve the agreement and authorize the city manager to execute necessary documents. Roll call. Voting "aye" were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

CONSERVATION EASEMENT:

Pepplitsch presented Resolution No. 2013-08 regarding a conservation easement for property within the corporate zoning jurisdiction. He noted that the Planning Commission has reviewed the issue and had no objections to the request. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2013-08. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

RESOLUTION 2013-08

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, KENT KEARNEY, and DENISE G. KEARNEY, Successor Trustees of the CRANFORD FAMILY REVOCABLE TRUST, are the owners of the following described real estate, to-wit:

The South Half (S1/2) of Section Thirty-Three (33), Township Ten (10) North, Range Twenty-One (21), West of the 6th P.M., in Dawson County, Nebraska, and including and conveying herein that tract of land annexed to the City of Lexington, Nebraska, more particularly described as the North 150 feet of the South 183 feet of the East 150 feet of the West 183 feet of the said Southwest Quarter (SW1/2) of said Section Thirty-Three (33), EXCEPTING, HOWEVER, and excluding that three (3) acre of land 555 feet by 235.5 feet located in the Northwest corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of said Section as reflected in that Deed of Conveyance recorded at Deed Record Book 117, Page 766, of the Register of Deeds Office of said County of Dawson, subject to easements, rights-of-way, covenants, and restricts visible of record.

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from KENT KEARNEY and DENISE G. KEARNEY, Successor Trustees of the CRANFORD FAMILY REVOCABLE TRUST, on the real estate legally described hereinabove and KENT KEARNEY and DENISE G. KEARNEY, Successor Trustee of the CRANFORD FAMILY REVOCABLE TRUST, are desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and KENT KEARNEY and DENISE G. KEARNEY, Successor Trustees of the CRANFORD FAMILY REVOCABLE TRUST, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2009), on February 26, 2013, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and

recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2009) on March 6, 2013, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

PASSED AND ADOPTED this 12th day of March, 2013.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, City Clerk

ACTION PLAN 2013: Peplitsch reviewed a final draft of the 2013 Development Action Plan. Following discussion, moved by Roberts, seconded by Miller, to approve the action plan as presented. Roll call. Voting "aye" were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

WORK SESSION: Following discussion, moved by Salem, seconded by Vivas, to schedule a Council work session for Saturday, March 30, 2013, at 8:00 a.m. in the Council Chambers at City Hall. Roll call. Voting "aye" were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch gave an update on current 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.

City Clerk