

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 14, 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, 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 4-23-2013 Minutes of the Regular meeting held Tuesday, April 23, 2013, were presented for Council approval. Moved by Vivas, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

MINUTES – SPECIAL MEETING 5-3-2013 Minutes of the Special meeting held Friday, May 3, 2013, were presented for Council approval. Moved by Miller, seconded by Roberts, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

MINUTES – WORK SESSION 5-11-2013 Minutes of the Work Session held Saturday, May 11, 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.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,881,208.78 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$300,901.57 from the General Fund, \$83,150.58 from Street Fund, \$1,382,795.61 from LEXUS, \$10,000.00 from Sanitation, \$2,472.92 from Ambulance, \$55,740.08 from Health Fund, and \$46,148.02 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 14, 2013

All Points Cooperative	Fuel / Weed Killer	1,617.60
Annie's Attic Books	Library Book	19.94
Area Services	SW Service	150.00

ASK Supply Co.	ST Supplies	211.00
Awards Plus	Arbor Day Poster Award	17.50
B & D Office City	Police Supplies	48.98
Baird Holm LLP	ICMA Pension	100.00
Bauer Underground, Inc.	Adams Sub PJ	8,684.00
Better Homes & Garden	Library Book	31.91
Bob's Auto Repair & Service	Central Garage Repair Service	732.99
Cash-Wa Distributing	Food & Supplies	3,280.40
CCP Industries, Inc.	SW Supplies	191.69
Central Fire & Safety, Inc.	Fire Extinguisher Service/Repair	2,097.18
Central Garage	Fuel / Service & Repair	20,915.24
Central Tire & Tread Inc.	Tires	151.92
Certified Laboratories	Central Garage Supplies	173.24
Culligan Water Conditioning Co.	Soft Water Supplies	115.16
Dan's Sanitation Inc.	Sanitation Fees	13,341.78
Data-Pak Mailing Systems	Postage / Postage Meter Rental	2,400.00
Davis Energy, Inc.	Fuel	4,672.16
Dawson County Register of Deeds	Filing Fees	128.00
Dawson County Transit Bus	Transportation	44.00
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	Power Purchase	8,355.29
Dell Marketing LLP	Business Office Computers	5,221.95
Diabetic Living	Library Book	31.91
Diamond Vogel Paint	ST Supplies	3,271.42
Dutton-Lainson Company	ST Supplies	154.20
DXP Enterprises, Inc.	WWTP Supplies	115.78
Eakes Office PlusSoftware	Maintenance/Support/Supplies	1,796.19
Egan Supply Company	DCOC Supplies	304.02
Eilers Machine & Welding, Inc.	Central Garage Supplies	135.20
Electric Fixture & Supply	PK / ST / EL / WR Supplies	758.00
EMS Billing Services, Inc	Ambulance Billing Service	1,732.99
Fagot Refrigeration & Electric, Inc.	Library Service / Repair	194.98
Fairbanks International, Inc.	Fire Dept / WWTP Repair	1,570.87
Family Advocacy Network	Subscription Fee	1,000.00
Fastenal	DCOC Supplies	82.88
FedEx	Delivery Charges	61.44
Gale Group, The	Library Books	461.66
Hawkins, Inc.	LFAC Chemicals	1,291.30
HD Supply Waterworks	Meters / Meter Supplies	17,671.59
Health Claims Fund	Claims	55,621.38
Holbein, Dahlas D.	Lawn Care	185.00
Hunt Cleaners, Inc.	ST / PK / Cem / WR / EL Gloves	67.00
Ingram Library Services	Library Books	762.79
Intellicom Computer Consulting, Inc.	Computer Service	269.90
International Code Council	Membership Dues	125.00
Jakes Toro Sprinklers	Sprinkler Repair	712.00
Jim Phillips Const.	Fence / ST Repair	3,468.00
John Deere Financial	WWTP / Central Garage Supplies	725.81
Johnstone Supply	DCOC Supplies	128.04
Jones Plumbing & Heating Inc.	GGC/PK/WWTP/Repairs/Supplies	7,815.83
K-Lawn, Inc.	Fertilizer / Insecticide Service	899.47
K. R. V. N. Radio	NPPD Coop Ads	41.60
Konica Minolta Business Solutions	Police / City / Library Copies	1,005.95
Kratzer Electric, Inc.	PK Light Repair	60.00
League Of Nebraska Municipalities	Conference Registrations	643.00
Lexington Animal Clinic	Animal Care	413.40
Lexington Area Solid Waste Agency	Landfill	876.48

Lexington Family Eyecare	Safety Glasses	713.00
Lexington Health Fund	Self-Funding	33,007.01
Lexington Newspapers, Inc.	Publication	416.55
Lexington Postmaster	Postage	165.00
Lexington Recreation Program	LFAC / Rec Start-up	1,000.00
Lexington Regional Health Center	Wellness / Ambulance Supplies	282.00
Lexington, City Of	Franchise Fees	158.38
Lexington City Payroll Account		
Payroll	Wages	114,987.96
Social Security	Employer Portion / FICA Med	8,508.90
Union Bank & Trust	Employer Portion / Pension	3,813.46
Union Bank & Trust	Police Pension	1,892.58
ICMA	City Manager Pension	830.00
Lien, Inc.	WR Supplies	47.08
Livingston Micrographics, LLC	WWTP UV Lamps	6,819.79
Luther, Ann	Mileage	28.82
Mac's Short Stop	Food	46.68
Madeline's Cafe & Bakery	Food	61.44
Martin Electric Inc.	Fire Dept Supplies	343.47
Matheson Tri-Gas Inc.	Ambulance Supplies	129.75
Matt Friend Truck Equipment, Inc.	ST Equipment	4,290.00
Mead Lumber & Rental-Lexington	Fire Dept/LFAC/WR Supplies	202.34
Medicare	Ambulance Refund	331.13
Menards-Kearney	WWTP Supplies	81.70
Meritain Health	Premium	19,389.80
Midland Scientific, Inc.	WWTP Supplies	132.28
Midwest Laboratories, Inc.	WWTP Supplies	8.55
Miller & Associates, Inc.	E Viaduct/SE Sub/Business Pk	32,419.62
Morris Press	GGC Supplies	272.00
Municipal Supply, Inc.	WR Supplies	4,956.53
Nebraska Machinery	Central Garage Supplies	2,217.99
NE Mosquito & Vector Control Assn	Membership Dues / Registration	70.00
Nebraska Public Power District	Power Purchase	955,115.65
Northern Safety Co., Inc.	ST Supplies	50.95
O'Hara Lindsay and Associates, Inc.	Monthly Lobbying Service	833.33
Oliver Consulting Services Inc.	Library Computer Service	40.00
One-Call Concepts Inc.	Locates	72.85
Overton Sand & Gravel	Road Gravel / Fill Sand	789.92
Page My Cell	Fire Dept Service	725.00
Paulsen Inc.	Concrete	790.84
Penworthy Company	Library Books	1,648.72
Platte Valley Auto Mart, Inc.	2011 / 2012 Police Cars	24,919.00
Plum Creek Cleaners	Rug Service	406.50
Plum Creek Market Place	Food	26.66
Presto-X	Library Service	98.36
Principal	Dental Premium	2,286.76
Rasmussen Mechanical Services	Library Maintenance Service	1,157.50
Regional Books, Inc.	Library Books	36.08
Roberts Dairy Company	Beverages & Food	563.80
Run-N-Iron	Police Supplies	30.00
S & W Auto Parts, Inc.	Central Garage/Police/WWTP Spls	374.89
Service Master Mid Nebraska	Cleaning Service	4,272.87
Source Gas, LLC	Gas Service	5,618.86
Sport Supply Group Inc.	Rec Supplies	940.09
Standard Life Insurance Company	Premium	655.63
Statewide Collections LLC	Collection Fees	377.06
Sterling West	Rec Supplies	480.00

Subway @ Walmart	Meals	55.50
T & R Service	Transformer Disposal	1,116.25
T.O. Haas Tire Co., Inc.	Tire Repair	14.74
Taste Of Home Books	Library Book	31.98
Team Detail & Quicklube	Wash/Uniform Exp/Windshield Rep	155.50
Julie Thalman	Cleaning Service	205.00
Thompson Co., The	Food & Supplies	1,685.64
Total Lawn Care	LFAC Lawn Care	225.00
Tyler Technologies, Inc.	Consulting / Training	11,383.51
Unisan Products	REC / ST / Muni Bldg Supplies	637.43
U-Save Business Equipment	Spls/Postage/UPS	1,709.92
Village Uniform	GGC Supplies	95.20
Vision Service Plan	Premium	575.38
Wal-Mart	Supplies	1,448.37
Weathercraft Company of North Platte	Ambulance Garage Supplies	30.00
B & D Office City	Police Supplies	49.99
BSN Sports, Inc.	PK Supplies	21.99
Davis Energy, Inc.	Propane	51.36
Diamond Vogel Paints	Ball Field Paint	394.90
Foundation For Family Science/ Engineering	Library Book	44.95
Health Claims Fund	Claims	118.70
Intellicom Computer Consulting Inc.	Computer Service	20.33
Kids Reference Company, Inc.	Library Books	104.67
Lexington Newspapers, Inc.	Publication	7.77
Lexington, City of - General Fund	Interdepartmental Fees	120,000.00
Lexington City Payroll Account		
Payroll	Wages	116,522.19
Social Security	Employer Portion / FICA Med	8,623.57
Union Bank & Trust	Employer Portion / Pension	3,773.14
Union Bank & Trust	Police Pension	1,900.69
ICMA	City Manager Pension	830.00
McCandless Backhoeing, Inc.	DCOC Snow Removal	351.00
Mead Lumber & Rental-Lexington	PK / WWTP Supplies	113.28
Midland Scientific, Inc.	WWTP Testing Supplies	315.58
Mid-State Units	Rental	900.00
National Geographic En Espanol	Library Subscription	23.99
Nebraska Department of Revenue	Sales & Use Tax	50,303.97
Nebraska Public Power District	O & M / Capital PJ's	112,328.92
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,069.65
Nebraskalink	Internet Service	395.00
Original Watermen, Inc.	LFAC Supplies / Swimsuits	2,633.70
Perez, Gerardo	LFAC Clean-up	2,475.00
Price's Tree Service	Concrete Removal	3,000.00
Primary Electric, Inc.	Dewatering-WWTP Facility	18,029.30
Wal-Mart	Supplies	306.83
	TOTAL CLAIMS:	1,881,208.78

WWTP 1ST ADDITION:

Pepplitsch presented a final subdivision plat entitled WWTP 1st Addition. He explained that the property is owned by the city and should have been included within the corporate limits when adjoining property was platted and annexed in 2002. He noted that the Planning Commission had reviewed the plat and recommended approval. Resolution No. 2013-13 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2013-13 as presented. Roll call. Voting "aye" were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-13

WWTP 1ST ADDITION

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

The plat of WWTP 1ST ADDITION, an addition 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 14TH day of MAY, 2013.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

WWTP 1ST ANNEXATION:

Mayor Fagot opened a public hearing to consider annexation of the WWTP 1st Addition. Following comments, the public hearing was closed. Resolution No. 2013-14 was presented. Moved by Miller, seconded by Vivas, to approve Resolution No. 2013-14 as presented. Roll call. Voting "aye" were Roberts, Salem, Vivas, Miller, Fagot. Motion carried.

RESOLUTION NO. 2013-14

WWTP 1ST ADDITION
ANNEXATION

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

That WWTP 1ST ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED MAY 14, 2013.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Pamela Berke, City Clerk

CONSERVATION EASEMENT:

Council reviewed a request by the Central Platte NRD on a proposed conservation easement within the City's zoning jurisdiction. Following discussion, moved by Miller, seconded by Salem, to direct the issue to the Planning Commission for review and comment. Roll call. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

AGREEMENT:

Resolution 2013-15 was presented. Following discussion, moved by Vivas, seconded by Roberts, to approve Resolution No. 2013-15. Roll call. Voting "aye" were Miller, Salem, Roberts, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2013 – 15

CITY OF LEXINGTON
SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM
SUPPLEMENTAL AGREEMENT NO. 1

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as “the Original Agreement”) that provided for the State to purchase at a discount LPA’s share of certain Surface Transportation Program funding (hereinafter referred to as “STP”) and the Highway Bridge Program (hereinafter referred to as “HBP”) federal-aid funds that had been available to Nebraska LPAs, and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance: and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

WHEREAS, City of Lexington and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

Be It Resolved: by the governing body of the City of Lexington that:

John Fagot is hereby authorized to sign the attached Federal Funds Purchase Program supplemental Agreement No. 1 between City of Lexington and the NDOR.

Adopted this 14th day of May, 2013 at Lexington, Nebraska.

The governing body of City of Lexington

John Fagot, Mayor; John Salem, Dora Vivas, Linda Miller, Jeremy Roberts

Attest: Pamela Berke, City Clerk

AGREEMENT:

Peplitsch reviewed a supplemental program agreement for the Jackson Street, 8th to 13th, Improvement Project. Following discussion, Resolution No. 2013-16 was presented. Moved by Miller, seconded by Roberts, to approve Resolution No 2013-16. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION NO. 2013 - 16

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT
NO. 1 – BL1048
CITY OF LEXINGTON, NEBRASKA

Whereas: City of Lexington and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BL1048 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: 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: City of Lexington and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

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

John Fagot, Mayor of the City of Lexington, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Lexington and the NDOR.

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.

NDOR Project Number: URB-6561(2)
NDOR Control Number: 61489
Project Location: Jackson Street, 8th – 13th St

Adopted this 14th day of May, 2013, at Lexington, Nebraska.

The City Council of the City of Lexington, Nebraska.

John Fagot, Mayor; John Salem, Dora Vivas, Linda Miller, Jeremy Roberts

Attest: Pamela Berke, City Clerk

AGREEMENT:

Pepplitsch reviewed a construction engineering agreement with Miller & Associates for the Jackson Street, 8th to 13th Streets, Improvement project. Following discussion, Resolution No. 2013-17 was presented. Moved by Roberts, seconded by Salem, to approve Resolution No. 2013-17. Roll call. Voting “aye” were Vivas, Miller, Salem, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2013 - 17

SIGNING OF A PROFESSIONAL SERVICES AGREEMENT – BK 1331
CITY OF LEXINGTON

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

Whereas: 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;

Whereas: City of Lexington and Miller & Associates, Consulting Engineers, P.C. wish to enter into a Professional Services Agreement to provide construction engineering services for the Federal-aid project.

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

John Fagot, Mayor of the City of Lexington, is hereby authorized to sign the attached construction engineering services agreement between the City of Lexington, Nebraska and Miller & Associates, Consulting Engineers, P.C.

NDOR Project Number: URB-6561(2)

NDOR Control Number: 61489

NDOR Project Description: Jackson Street 8th – 13th, Lexington.

Adopted this 14th day of May, 2013, at Lexington, Nebraska.

The City Council of the City of Lexington, Nebraska.

John Fagot, Mayor; John Salem, Dora Vivas, Linda Miller, Jeremy Roberts

Attest: Pamela Berke, City Clerk

PAY REQUEST:

Pepplitsch reviewed Pay Request #2 from BRB Contractors for the WWTP Improvement Project in the amount of \$258,486.92. Following discussion, moved by Miller, seconded by Salem, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

ROUNDTABLE DISCUSSION:

Pepplitsch noted that potential dates for a June work session will be emailed to Council and Staff. He also reported the first phase of the utility metering project is being implemented.

Burnside noted the receipt of a NDEQ grant to help fund the placement of crumb rubber surfacing below playground equipment in several city parks.

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