

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 24, 2010, 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, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub and Lexington Clipper-Herald. Amber Ackerson and Bo Berry 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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 8-10-10 Minutes of the Regular meeting held Tuesday, August 10, 2010, were presented for Council approval. Moved by Bennett, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$884,013.42 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$200,336.57 from the General Fund, \$200,000.00 from Economic Development, \$25,883.00 from TIF, \$334,708.63 from LEXUS, \$95,530.56 from Sanitation, \$4,125.44 from Ambulance Fund, \$19,775.65 from Health Fund, and \$3,653.57 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 24, 2010

AFLAC	Premium	1,114.18
Alamar Uniform Co.	Uniform Expense	166.11
All Points Cooperative	WWTP Supplies	68.88
Associated Pool Builders, Inc.	Aquatic Center Repair / Service	3,440.00
Awards Plus	Rec Medals	70.50
Axis Capital, Inc.	Mail Machine Pmt	840.00
B & D Office City	Police Supplies	29.17
Baker & Taylor	Books	42.87
Berke, David	Yard Clean-up	325.00
Brenntag Great Lakes, LLC	WWTP Supplies	375.00
Business Card	Bldg Dept Supplies / Fuel	220.14
Business Office Systems, Inc.	Copies	119.83

Business Telecommunication Systems, Inc.	Phone Line Repair	444.42
Card Center/Orscheln	WWTP / WR / PK / Cem Supplies	827.83
Cash-Wa Distributing	Food / Supplies	1,269.82
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	222.00
Computer Warehouse #4	Supplies	61.91
Davis Energy, Inc.	Fuel	7,010.10
Demco	Lib Supplies	127.64
Dutton-Lainson Company	Meter Supplies	132.15
Eakes Office Plus	Office Repair/Svc/Lib Supplies	782.32
Earl May Seed & Nursery L. C.	Grass Seed	249.90
Electric Fixture & Supply	Lib Supplies	10.26
Eustis Body Shop	Repair	7.55
EZ Liner Industries	Paint Stripper	5,216.00
Fagot Refrigeration & Electric, Inc.	GGC/Aquatic Center/WWTP Rep	1,700.61
Farmer Brothers Coffee	Food / Supplies	178.65
Gale Group, The	Books	115.68
Galls	Uniform Expense	347.58
Great Western Bank-Lib. Petty Cash	Postage / Food	200.33
Hach Company	WWTP Supplies	300.74
Halsen Products Company	ST / WR Supplies	665.82
HD Supply Waterworks	WR Supplies	561.68
Health Claims Fund	Claims	7,814.80
Holbein, Dahlas D.	Lawn Service	1,000.00
Holiday Inn Express	ST Softball Tournament	910.00
Ingram Library Services	Books	858.91
Inspection Associates, Inc.	Seminar	400.00
Jakes Toro Sprinklers	Sprinkler Service	84.00
Jim Phillips Const.	Sidewalk / ST Repairs	7,634.00
Kratzer Electric, Inc.	Wire Scoreboard	621.70
Lexington Health Fund	Self-Funding	32,046.37
Lexington Newspapers, Inc.	Publications	579.65
Lexington, City of	Service Fees	54,857.75
Lexington, City of	Payments Due General Fund	393,883.00
Lincoln Winwater Works	Gas Saw / WR Supplies	3,709.70
Linweld	Ambulance Supplies	41.95
Mead Lumber & Rental-Lexington	ST / WWTP Supplies	398.83
Meritain Health	Premium	23,615.13
Misko Sports	Rec Supplies	367.20
Morris Press	Rec Supplies	133.00
National Recreation & Park Association	Membership Dues	145.00
Nebraska Rural Water Association	Membership Dues	275.00
NE Public Health Environmental Lab.	WR Testing	832.00
Nebraska Dept of Environmental Quality	Certificate Renewal Fee	150.00
Nebraska Library Commission	Subscription	164.04
Nebraska Power Review Board	Annual Fee	2,338.00
Overton Community Center	Meals on Wheels	100.00
Plum Creek Market Place	Food / Supplies	19.18
Plum Creek Promotions	Rec T-Shirts	886.25
Randy's & Brian's Towing	Towing Expense	980.00
Roberts Dairy Company	Beverages	172.61
S & W Auto Parts, Inc.	WR / PK Supplies	60.02
Sensus Metering Systems	Software Support	1,320.00
Service Master Mid Nebraska	Cleaning Service	4,821.00
Sport Supply Group, Inc.	PK Supplies	713.65
Subway Sandwiches & Salads	Food	33.92
TASC	Fees	164.90
Taste of Home Books	Book	29.98

Team Detail & Quicklube Car	Washes / Uniform Expense	47.98
Thompson Co., The	Food / Supplies	956.82
Travelers - RMD	W C Premium Fire Pack	4,920.00
Verizon Wireless	Cellphone Service	131.74
Wal-Mart	Supplies	245.73
Alamar Uniform Co.	Uniform Expense	110.61
Allen, Keith	EL Rebate	1,175.00
Card Center/Orscheln	PK Supplies	39.56
Dan's Sanitation	Sanitation Fees	27,530.56
Data-Pac Mailing Systems	Postage	1,500.00
Dell Marketing, L P	Business Office Computers	1,931.46
Diamond Vogel Paint	Paint	714.00
Electric Fixture & Supply	SW Supplies	23.44
Fastenal	WR / PK Supplies	131.56
Great Western Bank-City Petty Cash	Food / Postage / Fuel	87.97
Great Western Bank-Lib Petty Cash	Food	3.00
Hach Company	Testing Supplies	258.60
HD Supply Waterworks	Registers / Tapping Saddles	2,319.62
Health Claims Fund	Claims	10,681.77
Ingram Library Services	Books	258.31
Lexington Newspapers	Publications	196.73
Lexington, City of	Franchise	75,850.68
Lexington Utilities System	Utilities	34,864.48
Payroll	Wages	114,885.41
Social Security	Employer Portion / FICA Med	8,470.71
First National Bank	Employer Portion / Pension	3,464.08
First National Bank	Police Pension	1,553.21
ICMA	City Manager Pension	423.46
Mendez, Mario	EL Rebate	1,025.00
Mid-State Units	Rental	1,107.00
Miller & Associates	Retainer Service	800.00
Nebraska State Treasurer	Unclaimed Property	646.72
NE Library Assn/ Educational Media Assn.	Conference	240.00
Rinker Materials	SW Supplies	140.00
Tyler Technologies	Software / Hardware Maintenance	17,752.00
U-Save Business Equipment	Supplies	11.55
Wal-Mart	Supplies	108.45
	TOTAL CLAIMS:	884,013.42

CONSERVATION EASEMENT: Resolution No. 2010-19 was presented for Council consideration. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2010-19. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION 2010-19

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

WHEREAS, LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, are the owners of the following described real estate, to-wit:

All of the Northeast Quarter (NE¼) of Section Four (4), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska, EXCEPT Bacon's First Subdivision, EXCEPT a tract of 2.29

acres along the South side thereof conveyed by Deed of record, in Book 98, Page 322 of the Deed Records of Dawson County, Nebraska, and EXCEPT a tract containing 0.16 acres, more or less, in Book 116, Page 60 of the Deed Records of Dawson County, Nebraska; and EXCEPT a tract beginning containing 3.05 acres in Book 127, Page 207 of the Deed Records of Dawson County, Nebraska; and EXCEPT a tract beginning at the Southwest corner of Lot One (1), thence 42 feet South; thence 140 feet East, thence 42 feet North to the South line of Lot Two (2), conveyed by Deed recorded in Book 107, Page 165 of the Deed Records of Dawson County, Nebraska.

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, on the real estate legally described hereinabove and LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, is 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 LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, 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 (2003), on July 27, 2010, 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 (2003) on August 4, 2010, 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 24th day of August, 2010.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, City Clerk (Deputy)

GARCIA SUBDIVISION:

Amber Ackerson, representing Jose and Rita Garcia, requested approval of the proposed Garcia Subdivision; being a replat of lots 1-6 of the Pioneer Subdivision into a single lot. Peplitsch noted that the Planning Commission had approved the replat as presented, and reviewed a draft subdivision agreement. Following discussion, Resolution No. 2010-20 was presented. Moved by Miller, seconded by Bennett, to approve Resolution No. 2010-20.

Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 2010-20
Garcia Subdivision

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

That the plat of GARCIA SUBDIVISION part of the Northwest Quarter of Section 32, Township 10 North, Range 22 West of the 6th P.M., in 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 August 24, 2010.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PROJECT AGREEMENT:

Peplitsch reviewed a project funding agreement with NDOR for the 13th Street Reconstruction project. He noted the agreement would replace prior agreements for the project, as the current intent is to fund the project with ARRA funding at 100% of eligible project costs. Following discussion, Resolution No. 2010-21 was presented for Council consideration. Moved by Salem, seconded by Miller to approve Resolution No. 2010-21 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-21

WHEREAS, it is in the best interests of the City of Lexington to enter into an Agreement with the Nebraska Department of Roads for Project No. STPAA-6556(4), State Control No. 61338, 13th Street, Park Street to Airport Rd., which Agreement will replace the original agreement (XL0343) and a supplemental agreement (XL0343#1); and

WHEREAS, said project will include a request for Federal funds; and

WHEREAS, the City of Lexington understands that it must strictly follow all Federal, state and local laws, rules, regulations, policies and guidelines applicable to the funding of a Federal aid project; and

WHEREAS, the City of Lexington and Nebraska Department of Roads which to enter into a Project Program Agreement providing the various duties and funding responsibilities for the specified Federal aid project;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, that John Fagot, the President of the Council, is hereby directed and authorized to execute on behalf of the City of Lexington the Project Program Agreement as attached to this Resolution, with the State of Nebraska Department of Roads for Project No. STPAA-6556(4), State Control No. 61338, 13th Street, Park Street to Airport Rd.

BE IT FURTHER RESOLVED, that the original program agreement XL0343 and the supplemental agreement XL0343#1 shall be null and void upon execution of the new agreement.

BE IT FURTHER RESOLVED, that the City of Lexington is committed to providing local funds for the project as required by the said Project Program Agreement, STPAA-6556(4), State Control No. 61338, 13th Street, Park Street to Airport Road.

Passed and approved on August 24, 2010.

John Fagot, President of Council

ATTEST: Joe Peplitsch, City Clerk

LVFD BYLAWS:

Bo Berry, Fire Chief, requested Council approval of LVFD by-law amendments. He explained that most of the updates were intended to improve operational functions. Following discussion, moved by Salem, seconded by Tomasek, to approve the LVFD Bylaws as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

PAY REQUEST:

Peplitsch reviewed Pay Request # 1-Final for the Northwest 3rd Addition Sanitary Sewer Improvements from Midlands Contracting in the amount of \$57,054.00. Following discussion, moved by Miller, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

APPOINTMENTS:

Fagot proposed the appointment of Dave Schroeder to the Citizen Advisory Review Committee and Janice Wolfinger to the Tree Board, to fill position vacancies. Following discussion, moved by Miller, seconded by Salem, to approve the appointments as presented. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch reviewed the Financial Report for July 2010. Following discussion, moved by Salem, seconded by Tomasek, to approve the Financial Report for July 2010 as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

DCOC ROOF PROJECT:

Peplitsch requested Council authorization to solicit bids for the Opportunity Center Roof Renovation project. He discussed plans and specifications for the project, indicating the goal is to repair and seal damaged areas of the existing roof and to add an additional R-30 insulation value when complete; he also noted the project would utilize grant funding through the Nebraska Energy Office. Following discussion, moved by Miller, seconded by Bennett, to authorize the City Manager to solicit bids for the project.

FY 2011 BUDGET:

Peplitsch reviewed a budget proposal fiscal year 2011. Following discussion and Council concurrence, he noted that a budget hearing will be scheduled for the September 14, 2010 regular Council meeting.

ROUNDTABLE:

Peplitsch noted that a planning session is scheduled for Saturday, August 28, 2010, at 8:00 a.m., and a draft agenda would be forwarded for review.

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.

Deputy City Clerk