

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 12, 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 Mayor John Fagot, Steve Tomasek, Joni Bennett, Linda Miller, and John Salem. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and the 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 Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 12-22-09 Minutes of the Regular meeting held Tuesday, December 22, 2009, were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,833,796.07 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$351,807.20 from the General Fund, \$10,000.00 from TIF, \$4,042.50 from ED Reuse, \$1,344,404.84 from LEXUS, \$10,000.00 from Sanitation, \$4,185.50 from Landfill, \$52,455.34 from Ambulance Fund, \$48,763.75 from Health Fund, and \$8,136.94 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
January 12, 2010

All Points Cooperative	Fuel	226.86
Anderson Graphics	Lib Supplies	58.75
Axis Capital, Inc.	Mail Machine Pmt	527.37
Business Card	ST Supplies / Subscription	531.71
Card Center/Orscheln	WWTP / Bldg Inspection Supplies	392.47
Case Credit Advantage	WWTP Supplies	70.10
Cash-Wa Distributing	Supplies	2,537.48
CCP Industries, Inc.	Central Garage Supplies	97.00
Central Garage Fund	Fuel / Service / Repairs	22,591.51
Certified Laboratories	Central Garage Supplies	640.37
Community Redevelopment Authority	G B & G Properties Pmt.	10,000.00

Contryman Associates, P.C.	Audit Fees	20,000.00
Creative Forecasting, Inc.	Subscription	60.00
Culligan Water Conditioning Co.	Soft Water Supplies	190.50
Dan's Sanitation	Sanitation Fees	11,004.79
Danko Emergency Equipment Co.	Fire Dept Supplies	159.00
Davis Energy, Inc.	Fuel	7,625.50
Dawson County Handibus	Transportation	48.00
Dawson County Register of Deeds	Fees	102.00
Dawson Pest Control	GGC Service	35.00
Demars Gordon Olson & Zalewski	Professional Service	1,139.50
Demco	Lib Supplies	209.36
DWA Partners, LLC	Secure Our Schools Website	3,750.00
Ebsco Subscription Service	Subscriptions	25.39
Electric Fixture & Supply	WWTP Supplies	39.90
Fagot Refrigeration & Electric	GGC Service	50.70
Farmer Brothers Coffee	Food & Supplies	306.85
Fastenal	WWTP Supplies	24.21
Fifth Street Automotive	Repair	167.30
FYR-TEK	Fire Dept Supplies	95.48
Gale Group, The	Books	171.91
Galls	Police Supplies	48.97
Great Plains One-Call Services, Inc.	Locates	22.87
H2O Technical Services, Inc.	Ferric Chloride	13,196.80
Hach Company	WWTP Supplies	429.64
HD Supply Waterworks	WR Supplies / Meters	8,489.33
Health Claims Fund	Claims	30,613.97
Heiman Fire Equipment, Inc.	Fire Dept Supplies	221.30
Homestead Bank	Wightman Land Pmt	45,133.48
Hunt Cleaners, Inc.	ST / PK / Cem / WR Supplies	420.23
Ingram Library Services	Books	1,135.19
Jones Plumbing & Heating	Repair / Supplies	2,106.35
K. R. V. N. FM	Advertisement	70.00
Kratzer Electric, Inc.	Repair	251.60
Lexington Area Solid Waste Agency	Landfill	577.08
Lexington Health Fund	Self Funding	32,464.01
Lexington Newspapers, Inc.	Publications	1,804.38
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto	Central Garage Supplies	50.00
Lexington, City of	Service Fees	145.26
Payroll	Wages	102,629.13
Social Security	Employer Portion / FICA Med	7,611.09
First National Bank	Employer Portion / Pension	3,335.20
First National Bank	Police Pension	1,713.79
ICMA	City Manager Pension	414.23
Linweld	Ambulance Supplies	207.27
Matt Friend Truck Equipment	Central Garage Supplies	2,355.85
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	ST Supplies	14.44
Meritain Health	Premium	21,229.71
Michael Todd & Co., Inc.	ST / WR / Cem Supplies	457.26
Mid-State Units	Rental	80.00
Miller & Associates	17th ST Paving/Rec Stadium	6,906.36
Moore Medical	Ambulance Supplies	148.00
Morris Press	GGC Supplies	73.00
Mountain Plains Library Association	Membership Dues	55.00
Mr. Automotive	Police Dept Supplies	13.91
Municipal Supply	WWTP Supplies	718.60

Nebraska Dept. of Economic Development	Orthman's CDBG Pmt	4,042.50
Nebr. Public Health Environmental Lab.	WR Testing	547.00
Nebraska By-Products	EL Incentive Program	4,785.00
Nebraska Machinery	WWTP / Central Garage Supplies	3,459.81
Nebraska National Bank	Copier Payments	1,195.44
Nebraska Public Power District	Power Purchase	837,815.59
Nebraska Waste Handlers	Sludge Removal	9,928.00
Nebraskaland Tire	Repair	15.30
Nelson, Marge L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
North Platte Bulletin	Subscription	39.95
Ohlmann, William DVM	Animal Care	992.10
Pace Analytical	Landfill Analysis	2,760.00
Paulsen, Inc.	Concrete / WWTP Supplies	801.14
Peak Interests LLC	Food	29.78
People	Subscription	116.07
Pinnacle Agency, The	Auto Premium	376.00
Platte Valley Auto Mart	Central Garage Supplies	122.24
Platte Valley Communication of Kearney	Maint / Phone / Repair	250.00
Plum Creek Market Place	Food	100.38
Price's Tree Service	Snow Removal	1,280.00
Primary Electric	Secondary Digester	6,951.45
Principal	Dental Premium	1,597.90
Roberts Dairy Company	Beverages	594.34
Rodale	Book	39.94
S & W Auto Parts	WWTP/ST/Amb/CG Supplies	649.89
Service Master Mid Nebraska	Cleaning Service	267.87
Sign Pro	Fire/Police Supplies	166.80
Sirchie Finger Print Lab	Police Dept Supplies	172.84
Source Gas, LLC	Gas Service	10,581.58
Statewide Collections, LLC	Collection Fees	127.22
T. O. Haas Tire Co., Inc.	Tires / Repair	435.60
TASC	Fees	174.60
Team Detail & Quicklube	Police Dept Supplies	25.00
Technical Maintenance & Service	WWTP Electronic Soft Start	5,111.20
Thompson Co., The	Food & Supplies	1,235.42
TierOne-Lib. Petty Cash	Postage / Book	86.31
Tri-City Tribune	Publications	59.50
Tri-County Hospital	Wellness / Ambulance Supplies	735.00
U-Save Business Equipment	EL / WR / ST / Police Supplies	1,061.95
Verizon Wireless	Cellphone Service	124.70
Village Uniform	GGC Supplies	21.70
Wal-Mart	Supplies	616.47
Barmore Drug Store, Inc.	Ambulance Supplies	11.99
Card Center/Orscheln	Fire Dept / WWTP Supplies	109.18
Cash-Wa Distributing	Food & Supplies	658.10
Community Redevelopment Authority	Legend Oaks CRA Bond	233,000.00
Davis Energy, Inc.	Fuel	760.50
Dawson Area Development	Admin Fees-Monroe Street	3,500.00
Dawson Public Power District	Power Purchase	6,136.68
Dutton-Lainson Company	Bldg Inspection Supplies	35.00
Eakes Office Plus	Lib Copier Buyouts	5,246.59
Fastenal	WWTP Supplies	40.29
Gould, Stanley E.	Soccer Field Stadium Imp	2,080.00
Health Claims Fund	Claims	16,377.28
Jim Phillips Const.	Main Breaks	2,573.35
Lab Safety Supply	Fire Dept Supplies	221.19

Lexington, City of	Ambulance Fund Fire Barn Pmt	51,269.10
Payroll	Wages	103,194.71
Social Security	Employer Portion / FICA Med	7,580.50
First National Bank	Employer Portion / Pension	3,213.01
First National Bank	Police Pension	1,834.68
ICMA	City Manager Pension	414.23
Lien, Inc.	Memorial Park Trees	1,500.00
Linda's Stitches & Creations	Uniform Expense	15.00
Michael Todd & Co., Inc.	ST Supplies	292.79
Midwest Laboratories, Inc.	Landfill / WWTP Testing	2,925.50
Municipal Service & Supply Company	WWTP Supplies	1,568.27
McCookNet Internet Service	Service	255.00
Nebraska Department of Revenue	Sales & Use Tax	48,829.04
Nebraska Public Power District	O & M	65,500.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,243.20
Neopost, Inc.	Rate Change	556.40
Platte Valley Communications	Fire Dept Supplies	133.92
Plum Creek Medical Group	Flu Shot	17.00
Roberts Dairy Company	Food & Supplies	283.56
RSC Equipment Rental	WR Supplies	219.73
Snell Services, Inc.	WWTP Service	727.50
Teledyne Isco, Inc.	WWTP Supplies	153.60
Thompson Company, The	Food & Supplies	1,212.98
Tierone-Lib. Petty Cash	Food	3.00
U-Save Business Equipment	ST Supplies / Postage	7.09
Upstart	Lib Supplies	106.08
Verizon Wireless	Cellphone Service	-82.40
Village Uniform	GGC Supplies	87.29
Wal-Mart	Supplies	180.25
	TOTAL CLAIMS:	1,833,796.07

RESOLUTION:

Resolution No. 2010-01 was read before the Council. Peplitsch explained the declaration is needed as part of the certification for the 13th Street Reconstruction project. Following discussion, moved by Salem, seconded by Miller to approve Resolution No. 2010-01 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-01

DECLARATION AS TO USE

WHEREAS, the City of Lexington is the owner of Lot 1, Optimist Addition, lying North of 13th Street and East of Airport Road in the City of Lexington, Dawson County, Nebraska; and

WHEREAS, the South 20 feet of the West 1011.80 feet of Lot 1, Optimist Addition to the City of Lexington, Dawson County, Nebraska, is now being occupied by the Parks Department, and it is necessary for the City to declare said property for the construction, operation, and maintenance of a multi-purpose public recreation trail;

NOW THEREFORE, be it resolved and declared by the Mayor and City Council of the City of Lexington, Nebraska, that the South 20 feet of the West 1011.80 feet of Lot 1, Optimist Addition to the City of Lexington, Dawson County, Nebraska, lying north of 13th Street and east of Airport Road in the City of Lexington, Dawson County, Nebraska shall be used for

the construction, operation, and maintenance of a multi-purpose public recreation trail.

Passed and approved this 12th day of January, 2010.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

CONTRACT:

Peplitsch requested authorization to execute a contract for the Soccer Field Restroom Facility Building project. He noted that several changes to the project specifications had been negotiated to bring the project into budgetary limitations, while maintaining the integrity of the initial design. He indicated the plan changes were being redrawn and should be ready for Council review at the upcoming planning session; a contract would not be executed until following Council review. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Manager to enter into a contract with Paulsen Inc. for the Soccer Restroom Facility Building project, at a price not to exceed \$180,000. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2010-02 was read before the Council. Peplitsch explained this resolution would authorize the execution of a deed to complete a property exchange in Northwest Third Addition. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 2010-02 as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 2010-02

WHEREAS, the City has by Ordinance No. 2272 approved the sale of the following described real estate owned by the City, to-wit:

All of the City of Lexington's interest in Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block One, Northwest Third Addition to the City of Lexington, Dawson County, Nebraska; and in Lots 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, and 13, Block Two, Northwest Third Addition to the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to The Greater Lexington Corporation, a Nebraska Corporation, the purchaser thereof.

PASSED AND APPROVED January 12, 2010.

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ORDINANCE:

A draft ordinance regarding storm water management regulations was presented for discussion. Peplitsch and Brecks reviewed the contents of the ordinance

and explained the City's current storm water management plan. The City is required to adopt and enforce standard regulations as part of the management plan. As the ordinance will require additional staff review prior to formal Council consideration, no action was taken.

ROUNDTABLE:

Pepplitsch reminded the Council of the planning session scheduled for Saturday, January 16, 2010 and of the Employee Awards Banquet that same day.

Burnside reported that the bleachers for the Soccer Stadium have been manufactured and will be installed as weather permits.

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