

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 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 John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, City Attorney Will Weinhold, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub and Lexington Clipper-Herald. Also in attendance were Deb Jensen, Bernie Valish, Darrell Bliven, Oscar de la Torre, Becca Garrelts, and Jill Denker.

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 9-28-10 Minutes of the Regular meeting held Tuesday, September 28, 2010, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,169,330.04 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$500,712.99 from the General Fund, \$61,519.89 from TIF, \$4,166.67 from ED Reuse, \$1,549,090.23 from LEXUS, \$10,000.00 from Sanitation, \$24,363.76 from Ambulance Fund, \$14,862.81 from Health Fund, and \$4,613.69 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 12, 2010

Advanced Agri-Direct (USA), Inc.	Honey Wagon	52,100.00
All Points Cooperative	Fuel / Weed Spray	1,016.62
Anderson Graphics	Lib Service	61.55
Area Services	SW Repair	177.50
Baker & Taylor	Book	17.95
Business Office Systems, Inc.	Police Supplies	117.90
Card Center/Orscheln	ST / WWTP Supplies	55.68
Case Credit Advantage	WWTP Supplies	9.13
Cash-Wa Distributing	Food & Supplies	1,204.39
Central Garage Fund	Fuel	8,230.14
Clinical Lab Imp Amendments Program	Fire Dept Certificate Fee	150.00
Community Redevelopment Authority	TIF-Wilkinson Development Pmt	9,320.43

Cosmos Club	PK Clean-up	300.00
Culligan Water Conditioning Co.	Soft Water Supplies	161.32
Dan's Sanitation	Sanitation Fees	10,000.00
Data-Pac Mailing Systems	Postage	1,500.00
Dawson Area Development	1st Half Dues - 2010-2011	13,500.00
Dawson County Register of Deeds	Filing Fees	52.50
Dawson Pest Control	GGC Service	35.00
Dawson Public Power District	Power Purchase	459.68
Demco	Lib Supplies	199.89
Department of HHS / Licensure Unit	WR Operator License Renewal	31.00
Depository Trust Co.	2008 Combined UTL Bond Pmt	193,750.00
Depository Trust Co.	2010 GO Bond Pmt	84,555.52
Diamond Sales	Books	238.00
Downey Drilling, Inc.	Well Field at DCOC	76,257.36
Dutton-Lainson Company	EL / WR Supplies	441.69
Electric Fixture & Supply	EL Supplies	92.16
EMS Billing Services, Inc.	Ambulance Service	1,336.89
Eustis Body Shop	Tow Charges	430.00
Evans, Jesse	Travel Expense	180.00
Farmer Brothers Coffee	Food & Supplies	259.05
Fastenal	WWTP / ST Supplies	68.78
Fire-Extrication-Hazmat Billing	Fire Equipment Billing Fee	18.30
Garden, Lawn & Landscaping	Yard Clean-up	500.00
Grace Lutheran Church / Youth	PK Clean-up	300.00
Graphic Arts Shop	Police Citations	940.50
Great Plains One-Call Service	Locates	101.83
Hach Company	Testing Supplies	35.75
Health Claims Fund	Claims	7,702.30
Homestead Bank	NW Improvements Pmt	52,199.46
Ingram Library Services	Books	1,081.53
Jim Phillips Const.	ST Repair / DCOC	16,328.00
Jones Plumbing & Heating	ST/WR/WWTP/AC Supplies/Svc	6,378.73
K. R. V. N. - FM	Advertising	122.40
Keep Lexington Beautiful	PK Clean-up	400.00
Kiwanis	PK Clean-up	300.00
League of Nebraska Municipalities	Dues	472.00
Lerner Publishing Group	Books	114.15
Lexington Animal Clinic	Animal Care	1,252.65
Lexington Area Chamber of Commerce	Membership Dues	4,382.00
Lexington Area Solid Waste Agency	Landfill	1,995.88
Lexington Boy Scouts-Troop 31	PK Clean-up	300.00
Lexington Boy Scouts-Troop 88	PK Clean-up	300.00
Lexington Eagles Club Auxiliary	PK Clean-up	300.00
Lexington Health Fund	Self-Funding	31,503.37
Lexington Newspapers, Inc.	Publications	459.33
Lexington Postmaster	Postage	150.00
Lexington Volunteer Fire Dept.	Ambulance Fees	2,893.58
Lexington, City of	NW Paving Payback	52,199.46
Lexington, City of	Franchise Fees	48.74
Payroll	Wages	101,817.21
Social Security	Employer Portion / FICA Med	7,468.65
First National Bank	Employer Portion / Pension	3,365.12
First National Bank	Police Pension	1,553.96
ICMA	City Manager Pension	423.46
Linweld	Ambulance Supplies	114.35
Lips Printing Service	WR Quality Letters	421.16
Mac's Short Stop	Food	11.97

Madeline's Café	Food	49.65
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP Supplies	247.66
Meritain Health	Premium	22,624.69
Mid State Units	Rental	615.00
Midstates Construction Products	ST Supplies	1,373.55
Morris Press	GGC Supplies	73.00
Municipal Automation & Control	Anaerobic Digester Gas Piping	9,478.00
Municipal Supply, Inc.	Soccer Field Concession Supplies	6,382.85
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Library Commission	Subscription	1,012.60
Nebraska National Bank	Copier Pmts	1,195.44
Nebraska Public Power District	O & M	65,500.00
Nebraska Tech & Telephone, Inc.	Telephone Expense	1,266.25
Nebraska Waste Handlers	Sludge Removal	6,862.00
Overton Sand & Gravel	Gravel	1,949.68
Paulsen, Inc.	Gravel / Concrete	2,512.29
Pinnacle Bank	Ambulance Pmt	18,352.45
Platte Valley Communication of Kearney	Repair / Maintenance	263.01
Plum Creek Cleaners	ST/Rec/WWTP/Muni Bldg Spls	314.00
Plum Creek Market Place	Food	45.90
Plum Creek Promotions	Shirts	697.35
Principal	Dental Premium	1,740.94
Randy's Body Shop	Tow Expense	115.00
Roberts Dairy Company	Beverages	300.87
Rodale	Book	43.94
S & W Auto Parts, Inc.	WWTP Supplies	37.11
Service Master Mid Nebraska	Cleaning Service	124.12
Soroptimist Club	PK Clean-up	300.00
Sports Illustrated	Subscription	89.04
Source Gas, LLC	Gas Service	3,162.51
T. O. Haas Tire Co., Inc.	Repair	118.65
Thompson Co., The	Food & Supplies	549.68
Traces	Books	85.00
Tri-City Tribune	Publications	240.00
Tri-County Hospital	Wellness / Ambulance Supplies	322.00
U-Save Business Equipment	WR/EL/Rec/AC Supplies	644.48
United Methodist Youth Group	PK Clean-up	300.00
Video Bread	DVD's	164.00
Village Uniform	GGC Supplies	28.40
Wal-Mart	Supplies	397.54
Welcome Center Advisory Council	PK Clean-up	300.00
Wilke-Donovan True Value	ST Supplies	21.99
Young Women's Association	PK Clean-up	300.00
All Points Cooperative	Weed Killer / Grass	566.75
Associated Pool Builders, Inc.	Winterize Aquatic Center	1,566.98
Beringer, Ciaccio, Dennell, Mabrey	D C Opportunity Center-Phase II	5,676.38
Card Center/Orscheln	ST Supplies	32.99
Cash-Wa Distributing	Food & Supplies	552.94
Dan's Sanitation	Sanitation Fees	1,904.08
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	4,965.72
Dawson County Treasurer	Vehicle License	10.00
Dawson Public Power District	Power Purchase	3,500.62
Electric Fixture	EL Supplies	143.23
Farm Plan/Landmark Implement	Central Garage Supplies	271.21
Health Claims Fund	Claims	5,419.57

Kearney Crete & Block Company	SW Supplies	364.00
Lexington Newspapers	Publication	85.00
Moore Medical	Ambulance Supplies	1,177.03
Nebraska Department of Revenue	Sales & Use Tax	50,709.08
Nebraska Public Power District	Power Purchase	1,014,877.98
Nebraska Salt & Grain Co.	Ice Control Salt	1,334.82
Paulsen Inc.	Concrete	1,560.67
Pinnacle Agency, The	Premium	159,440.00
Presto-X	Lib Service	88.00
Reader's Digest	Subscription	19.00
Roberts Dairy Company	Beverages	237.47
Sargent Drilling Co.	Well #10 Motor Repair	3,781.38
T. O. Haas Tire Co., Inc.	Repair	14.95
Thompson Co., The	Food & Supplies	672.14
U-Save Business Equipment	ST Supplies	6.75
Village Uniform	GGC Supplies	72.80
Wal-Mart	Supplies	6.22
	TOTAL CLAIMS:	2,169,330.04

ORDINANCE NO. 2286: Ordinance No. 2286, entitled “AN ORDINANCE TO AMEND SECTION 19-3 OF THE LEXINGTON CITY CODE; TO AMEND THE PERMISSABLE DATES FOR SALE OF FIREWORKS; TO REPEAL ORIGINAL SECTION 19-3, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented on Second Reading. Peplitsch noted that the ordinance has been amended since the first reading for simplification. 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 Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2286 was presented on Final Reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2286 as amended. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

ORDINANCE NO. 2287: Ordinance No. 2287, entitled “AN ORDINANCE TO AMEND SECTION 16-86 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING IN DOWNTOWN LEXINGTON FOR STREET CLEANING PURPOSES; TO REPEAL ORIGINAL SECTION 16-86 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM”, was presented on Second Reading. Following discussion, moved by Miller, seconded by Bennett, to approve Ordinance No. 2287 on Second Reading. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

ROOF PROJECT: Peplitsch presented the bid tabulation for the Opportunity Center Roof and Insulation project. He explained that voluntary alternate bids were allowed for comparable roofing systems as the one specified, and noted that 2 bids had been received. Peplitsch recommended awarding the contract to Weathercraft Companies with a proposal of \$325,721.00 and a 60 day completion period. He noted that per the grant conditions associated with the project, concurrence of the bid was given by the Nebraska Energy Office. Moved by Miller, seconded by Tomasek, to accept the bid by Weathercraft Companies and to authorize the

City Manger to execute contract documents. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch reviewed Pay Request #5 from Simon Contractors for the Opportunity Center Phase 2 project in the amount of \$156,357.00. Following discussion, moved by Tomasek, seconded by Salem, to approve the pay request as presented. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch reviewed Pay Request #8 from Paulsen Inc. for the Municipal Building Renovation project in the amount of \$58,770.00. Following discussion, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

INTERLOCAL AGREEMENT:

Pepplitsch requested Council approval of an interlocal agreement regarding Federal Highway Transportation Funding. He explained that NDOR is requesting that all First Class cities enter into an interlocal agreement to form a committee to assist NDOR with prioritizing and managing federal aid road projects for first class cities outside of metropolitan planning districts. Following discussion, moved by Miller, seconded by Salem, to approve the interlocal agreement as presented and to authorize the mayor to execute. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

DTR:

Pepplitsch reviewed a proposal received for grant administrative services for the Downtown Revitalization Project from DAD. He noted that proposals had been formally requested per procurement standards, and this was the only full proposal received. The \$18,000 fee proposed by DAD is in line with grant administration costs associated with the revitalization grant, and recommended Council approve a contract with DAD for such services. Following discussion, moved by Miller, seconded by Tomasek, to approve the grant administrative services proposal by DAD as presented and to authorize the City Manager to execute a contract. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

Deb Jensen presented several documents related to the special conditions of the Downtown Revitalization grant. These documents included Authorization to Request Grant Funds, Financial Management Certification, Procurement Procedures and Code of Conduct, Excessive Force Certification, Policies and Procedures on Affirmatively Furthering Fair Housing, Environmental Review Record, and the Request for Release of Funds and Certification. Following Jensen’s review of the required special conditions requirements, moved by Salem, seconded by Tomasek, to approve the documentation as presented and authorize the execution of documents as needed. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

NEW NEIGHBORHOODS:

Pepplitsch and Jensen presented several documents related to the special conditions for the New Neighborhoods Initiative grant. These documents included Authorization to Request Grant Funds and the Policies and Procedures on Affirmatively Furthering Fair Housing. Pepplitsch also reviewed Homebuyer Assistance Program Guidelines developed as a grant requirement. Following discussion, moved by Tomasek, seconded by Bennett, to approve the documentation for special conditions and the Homebuyer Assistance Program Guidelines as presented and to authorize the

execution of documents as needed. Roll call. Voting "aye" were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

Jill Denker, Becca Garrelts, and Oscar de la Torre, members of the current DAD Leadership class, were welcomed by the Council.

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