

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 10, 2012, 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, and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Bruce Stuart and Ken Graus 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 3-27-2012 Minutes of the Regular meeting held Tuesday, March 27, 2012, 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 \$1,749,675.62 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$493,861.14 from the General Fund, \$4,166.39 from ED Reuse, \$1,204,665.38 from LEXUS, \$10,000.00 from Sanitation, \$4,788.90 from Landfill, \$5,320.71 from Ambulance Fund, \$23,869.81 from Health Fund, and \$3,003.29 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 10, 2012**

All Points Cooperative	Fuel	642.06
Awards Plus	Fire Dept Supplies	63.00
B & D Office City	Police Supplies	90.19
Barco Municipal Products, Inc.	ST / WR / SW Supplies	1,320.71
Better Homes and Gardens	Library Book	21.91
Book Farm, Inc., The	Library Books	102.65
Cash-Wa Distributing	Food & Supplies	524.40
Central Contracting Corp.	DC Opp Center - Phase III	8,590.85
Central Garage Fund	Fuel	11,918.69
Central Tire & Tread, Inc.	WWTP Tanker Tire	2,915.92
Conney Safety Products	WWTP / ST / PK / Cem Supplies	289.67
Cornhusker, The	Mid-Winter Conference Hotel	1,626.39
Culligan Water Conditioning Co.	Soft Water Supplies	202.36

Dan's Sanitation	Sanitation Fees	12,998.88
Data-Pac Mailing Systems	Postage	1,500.00
Dawson Area Development	Membership Dues	13,500.00
Dawson County Clerk	Dispatch Fees	25,000.00
Dawson County Transit Bus	Transportation	38.00
Dawson Pest Control	GGC/DC Opportunity Center Svc	91.35
Depository Trust Co.	08 Combined Utl Bond/10 GO Bond Pmts	87,797.50
Diamond Vogel Paint	ST Paint	3,555.25
Eakes Office Plus	Copies	245.51
Egan Supply Company	PK / ST Supplies	191.13
Eustis Body Shop, Inc.	Tow Expense / Vehicle Repair	955.20
Fagot Refrigeration & Electric	Lift Station/GGC/ST/Bldg Repairs	1,151.33
Gale Group, The	Library Books	204.22
Gordon, Tracy	EL Rebate	450.00
Health Claims Fund	Claims	9,614.66
Holbein, Dahlas D.	Lawn Care	185.00
Ingram Library Services	Library Books	726.69
Intellicom Computer Consulting	Server Replacement Service	146.40
IQM2, Inc.	Software Subscription	490.00
JEO Consulting Group, Inc.	PK / REC Plan PJ	222.50
Jones Plumbing & Heating, Inc.	PK / ST / WR Supplies / Service	228.27
Lauby, Philip	School Expense	97.50
Lawson Products, Inc.	ST Supplies	206.88
Lexington Animal Clinic	Animal Care	656.70
Lexington Area Solid Waste Agency	Landfill	892.71
Lexington Family Eyecare	Safety Glasses	418.00
Lexington Health Fund	Self-Funding	32,119.44
Lexington Newspapers, Inc.	Publications	1,112.63
Lexington Postmaster	GGC Postage	165.00
Lexington, City of	Franchise Fees	36.51
Payroll	Wages	113,136.64
Social Security	Employer Portion / FICA Med	8,299.21
Union Bank & Trust	Employer Portion / Pension	3,818.31
Union Bank & Trust	Police Pension	1,732.38
ICMA	City Manager Pension	454.62
Matheson Tri-Gas Inc.	Ambulance Supplies	74.00
Matt Friend Truck Equipment	ST Truck Box	6,150.00
McCookNet Internet Service	Library Service	250.00
Mead Lumber & Rental-Lexington	WR/PK/ST/Cem/DC Opp Ctr Spls	254.76
Meritain Health	Health Premium	23,675.11
Milco Environmental Services	WR Analysis / Drum Disposal Site	5,699.40
Miller & Associates, Inc.	SE Lex Utl Imp/SE Sub/Airport Rd	19,126.99
Miller, Linda	Conference Expense	70.60
Morris Press	GGC Service	73.00
Municipal Supply	WR Supplies	1,713.12
National Geographic En Espanol	Library Subscription	32.00
National Geographic Society	Library Book	36.70
National Pen Company	Library Supplies	153.40
Nebraska Dept of Roads	17th & Walnut ST PJ	215,728.76
Nebraska Municipal Power Pool	Membership Dues	2,627.15
Nebraska Public Health Environmental Lab	WR Testing	1,097.00
Nebraska Public Power District	O & M	65,000.00
Nebraska Public Power District	Power Purchase	911,048.07
NebraskaLink	Library Service	86.00
Nelson Halker Painting	V-Man's - DTR PJ	288.00
Oxmoor House	Library Book	36.92

Paulsen, Inc.	Concrete	102.50
Penworthy Company	Library Books	964.04
Plum Creek Medical Group	Employment Physicals	322.00
Primary Electric, Inc.	WWTP Repairs	1,463.98
Principal	Dental Premium	94.32
Rasmussen Mechanical Services	Library Service / Repair	3,179.30
Regional Books, Inc.	Library Books	69.00
Resource Management Co., Inc.	Haul Tires	372.50
Reutlinger, Troy	School Expense	97.50
Roberts Dairy Company	Beverages & Food	393.81
Rodale, Inc.	Library Book	39.94
Rowan, Erik	School Expense	75.00
S & W Auto Parts, Inc.	WWTP / ST Supplies	43.93
Service Master Mid Nebraska	Cleaning Service	4,114.12
Source Gas, LLC	Gas Service	7,397.07
Statewide Collections LLC	Collection Fees	400.12
Subway @ Walmart	Meals	40.88
Thalman, Julie	Cleaning Service	200.00
Thompson Co., The	Food & Supplies	1,172.23
U-Save Business Equipment	Bldg Insp/Library Supplies/Postage	151.61
Unisan Products	Library Supplies	39.22
Unitech	WWTP Degreaser	1,304.00
University of Nebraska-Omaha	Registration Fee	393.00
Village Uniform	GGC Supplies	109.20
Vision Internet Providers, Inc.	Monthly Hosting Fee	210.00
Walmart	Supplies	1,230.73
Weathercraft Companies, Inc.	EL Bldg Repair	285.25
Central Garage Fund	Service Mowers	1,538.90
Comfort Inn	Lodging-Police	467.84
Davis Energy, Inc.	Fuel / Supplies	7,266.52
Davis, Adam	UTL Refund	66.89
Dawson County Register of Deeds	Filing Fees	52.00
Dawson Public Power District	Power Purchase	8,659.30
Diamond Vogel Paint	PK Supplies	331.38
EMS Billing Services, Inc.	Billing Service	1,041.56
Farm Plan	Central Garage Supplies	562.06
Great Plains One-Call Service	Locates	80.44
Hach Company	WWTP Testing Supplies	1,273.34
Health Claims Fund	Claims	14,160.83
Jack's Uniforms & Equipment	Police Uniform Expense	68.89
Landmark Implement, Inc.	PK Lawn Mower	12,250.00
Lexington Glass Company, Inc.	Window Frames	348.30
Lexington Regional Health Center	Wellness	266.00
Lexington Volunteer Fire Dept.	Ambulance Fees	3,857.98
MC 2, Inc.	UV Lights for Disinfecting System	15,150.27
Mead Lumber & Rental-Lexington	ST Supplies / Credit	-63.66
Midwest Laboratories, Inc.	WWTP Testing Supplies	797.40
NE DOL/Boiler Inspection Program	WWTP Boiler Certification	72.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Payment	4,166.39
Nebraska Dept. of Revenue	Sales & Use Tax	46,900.42
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,105.07
NE Floodplain/Stormwater Managers Assn	Conference Registration	50.00
Oliver Consulting Services, Inc.	Library Service	180.00
Plum Creek Cleaner's	Rug Service	270.50
Plum Creek Market Place	Food	26.14
S & W Auto Parts, Inc.	Central Garage Supplies	35.78
Service Master Mid Nebraska	Cleaning Service	75.73

Team Detail & Quicklube	Police Uniform Exp/Car Washes	59.50
U-Save Business Equipment	Postage/UPS Chgs/Fire/ST Spls	42.08
Wal-Mart	Supplies	282.32

TOTAL CLAIMS: 1,749,675.62

SPECIAL USE PERMIT: Mayor Fagot opened a public hearing to discuss a special use permit application by Bruce and Theresa Stuart, dba Stuart Cattle Co Inc., to expand their existing feedlot capacity from a 1,600 head to 2,500 head, and building and operate a wastewater treatment system. Weinhold recused himself from the discussion as he has represented both the City and Stuarts in the past. Stuart explained he has been working with NRCS and NDEQ to design the project. The wastewater treatment process is designed to utilize a settling and collection basin, an irrigation system, and a grass vegetation area. Stuart noted that an application has not yet been submitted to NDEQ for the wastewater permit. Discussion focused on the wastewater system, potential insect and odor issues, comments or concerns from neighboring property owners, and alternative locations for the grass vegetation area. The public hearing was closed. The Council took no action on the application in order to gather more information.

SUBDIVISION: Peplitsch reviewed a subdivision application by Ken Graus. Following discussion, Resolution No. 2012-07 was presented for Council consideration. Moved by Salem, seconded by Miller to approve Resolution No. 2012-07 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2012 - 07

GRAUS SUBDIVISION

A REPLAT OF LOT TWO (2) OF KEITH ADDITION OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AND PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP TEN (10) NORTH, RANGE TWENTY-ONE (21) WEST OF THE SIXTH PRINCIPAL MERIDIAN, DAWSON COUNTY, NEBRASKA.

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

The plat of GRAUS SUBDIVISION, 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 10th day of April, 2012.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

REPLAT OF SE 2ND ADDITION: Peplitsch reviewed a replat of the Southeast Second Addition on behalf of the Community Development Agency. He explained that the replat dedicates additional right-of-way and easement to accommodate public infrastructure development. Following discussion, Resolution No. 2012-08 was presented. Moved by Miller, seconded by Bennett, to approve Resolution No. 2012-08 as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 2012-08

REPLAT OF SOUTHEAST SECOND ADDITION

A REPLAT OF LOT 1, SOUTHEAST FIRST ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA AND LOTS 2, 3, & 4, KIRKPATRICK'S THIRD ADDITION 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 SOUTHEAST SECOND 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 10th day of April, 2012.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

AGREEMENT:

Resolution No. 2012-06 was presented. Peplitsch explained that the resolution authorizes the execution of an agreement with Miller & Associates for construction engineering services for the 17th, Madison – Van Buren Street project. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 2012-06 as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

SIGNING OF A PROFESSIONAL SERVICES AGREEMENT

CITY OF LEXINGTON
RESOLUTION NO. 2012-06

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, Nebraska 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-6558(1)
NDOR Control Number: 61537
NDOR Project Description: 17th St., Madison – Van Buren, Lexington

Adopted this 10th day of April, 2012 at Lexington, Nebraska.

The City Council of the City of Lexington, Nebraska (*signatures*)

Attest: Pamela Berke, City Clerk

**LEX COMMUNITY
FACILITIES AGENCY:**

Pepplitsch reviewed a request by the LCFA to accept private donations up to \$3,000,000 for enhancements to the Middle School Improvement project. Council approval to accept the private funding is required per agreement with the School District and LCFA. Following discussion, moved by Miller, seconded by Salem, to approve LCFA's acceptance of private donations of up to \$3,000,000 for enhancements to the Middle School project. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

LVFD MEMBERSHIP:

Pepplitsch reviewed the current LVFD membership roster which includes three new members. Following discussion, moved by Salem, seconded by Tomasek, to approve the LVFD roster as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION:

Pepplitsch indicated that a Council work session will be scheduled for Saturday, April 21, 2012, at 8:00 a.m.

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