

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 24, 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. Dana Daniels and Connie Bennett 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 01-10-2012 Minutes of the Regular meeting held Tuesday, January 10, 2012, were presented for Council consideration. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

MINUTES – JOINT MEETING 01-09-2012 Minutes of the Joint Council/School Board meeting held Monday, January 9, 2012 were presented for Council consideration. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

MINUTES – PLANNING SESSION 01-14-2012 Minutes of the Planning Session held Saturday, January 14, 2012, were presented for Council consideration. Moved by Miller, seconded by Bennett, to approve the Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$533,129.05 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 \$160,472.44 from the General Fund, \$135,000.00 from Housing Reuse, \$157,596.79 from LEXUS, \$30,233.15 from Sanitation, \$3,710.34 from Ambulance Fund, \$40,850.74 from Health Fund, and \$5,265.59 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
January 24, 2012

AFLAC	Premium	1,317.21
Alamar Uniform Co.	Police Uniform Expense	82.04

Axis Capital, Inc.	Mail Machine Pmt	840.00
Barco Municipal Products, Inc.	ST / EL Supplies	151.57
Berkshire Hathaway Homestate Co	Ambulance Refund	1,347.20
Business Card	BI Books/Subscription/Supplies	685.91
Card Center/Orscheln	WWTP / PK / WR Supplies	291.94
Case Credit Advantage	Fire Dept Vehicle Repair	2,646.07
Cash Wa Distributing	Food & Supplies	548.00
Central Community College	EMT Classes	2,058.00
Century Link	Facilities Move at 500 N Jackson	6,214.10
City Directory, Inc.	Directories	910.00
CocaCola/Dr Pepper Botling Krny	Beverages	80.00
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	4,535.20
Dawson Public Power District	Power Purchase	5,694.53
Eakes Office Plus	Business Office / Library Supplies	205.01
Ed Roehr Safety Products	Police Weapons / Supplies	2,052.78
Eilers Machine & Welding, Inc.	WWTP Supplies	340.57
ESU #3 Attn: ECCOA	Library Registration	15.00
Exchange Bank	Copier Payments	1,195.44
Farmer Brothers Coffee	Food	388.25
Fastenal	WWTP Supplies	214.83
Gale Group, The	Library Books	139.07
Great Western Bnk-Lib Petty Cash	Postage/Stamps/Food/Supplies	217.29
Greater Lexington Corp.	NNI Paving / Housing Reuse Loan	149,097.00
HD Supply Waterworks	WR Meters / Supplies	4,292.16
Health Claims Fund	Claims	15,435.64
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Ingram Library Services	Library Books	610.54
Intellicom Computer Consulting	Bldg Insp Service	83.40
Jack's Uniforms & Equipment	Police Weapons	858.00
Lexington Glass Co., Inc.	Fire Dept Vehicle Repair	35.00
Lexington Newspapers, Inc.	Publications	265.98
M & N International	Appreciation Banquet Supplies	50.01
Madeline's Café & Bakery	Food	17.95
Martin's Flag Company	Library Supplies	116.16
Mead Lumber/Rental - Lexington	ST / Cemetery / SW Supplies	256.17
MicroMarketing, LLC	Library Books	49.98
Midland Scientific, Inc.	WWTP Testing Supplies	98.71
Moore Medical, LLC	Ambulance Supplies	85.14
Municipal Supply	WR Supplies	76.31
Nebraska Library Association	Membership Dues	65.00
Nebraska Recreation & Park Assn	Membership Dues	50.00
OCLC, Inc.	Library Subscription	22.06
Oliver Consulting Services, Inc.	Libr Computer Srvc/Software Installation	280.00
Paulsen, Inc.	Concrete	256.00
Peak Interests LLC	Meals	70.00
Platte Valley Auto Mart, Inc.	Fire Dept Vehicle Repair	626.65
Platte Valley Communication Krny	Monthly Maintenance / Tower Rent	1,089.96
Plum Creek Market Place	Food & Beverages	34.11
Randy's Body Shop	Towing Expense	675.00
Roberts Dairy Company	Beverages	210.92
S & W Auto Parts, Inc.	Fire Dept / WWTP Supplies	104.02
Service Master Mid Nebraska	Cleaning Service	4,741.00
Sorto, Humberto	EL Rebate	1,025.00
TASC	Fees	184.63
Terryberry	Retirement Gift	149.05
Thompson Company, The	Food & Supplies	1,870.34

Tri-City Tribune	Subscription	29.50
U-Save Business Equipment	Postage / UPS	85.44
Uncle Neal's Country Store	Liquor License Refund	150.00
Universal Sanitary Products	Library Supplies	122.09
Wal-Mart	Supplies	288.47
Ward Laboratories	WR Testing	26.00
Barmore Drug Store, Inc.	WWTP Supplies	19.99
Bennett Advertising Specialties	Admin Supplies	92.46
Career Services, Inc.	BECA Grant Reimbursement	3,237.76
Case Credit Advantage	WWTP Tractor Repair	524.63
Cash Wa Distributing	Food & Supplies	740.40
CCP Industries, Inc.	WWTP Testing Supplies	191.27
Dan's Sanitation, Inc.	Sanitation Fees	30,233.15
DXP Enterprises, Inc.	WWTP Supplies	1,232.51
Electric Fixture & Supply	WWTP Supplies	25.83
Fagot Refrigeration & Electric, Inc.	Supplies / Service / Repair	3,227.51
Galls	Police Supplies	22.71
Great Western Bnk-Cty Petty Cash	Meals/Postage/Beverages/Uniform Exp	51.45
HD Supply Waterworks	WR Meters	1,395.80
Health Claims Fund	Claims	23,913.26
Holiday Inn Express	Awards Banquet	1,669.44
Kearney Hub	Library Subscription	134.20
Kelly Tree Service, LLC	Tree Trimming / Stump Removal	15,000.00
League of Nebraska Municipalities	Workshop Registration	70.00
Lexington Family Eyecare	Safety Glasses	246.00
Lexington Utilities System	Utilities	37,195.29
Lexington, City of	Franchise Fees	66,629.06
Payroll	Wages	110,196.18
Social Security	Employer Portion / FICA Med	8,078.84
Union Bank & Trust	Employer Portion / Pension	3,639.68
Union Bank & Trust	Police Pension	1,696.02
ICMA	City Manager Pension	454.62
Mead Lumber & Rental-Lexington	Bldg Insp Supplies	57.99
Mellen & Associates, Inc.	WWTP Actuator Assy.	3,227.67
MicroMarketing, LLC	Library Books	128.95
Nebraska Code Officials Assn	Membership Dues	100.00
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete	573.71
Pumpkin Books	Library Books	135.18
Roberts Dairy Company	Beverages	95.98
Service Master of Mid Nebraska	Cleaning Service	78.75
T. O. Haas Tire Co., Inc.	Tire Repair	58.21
U-Save Business Equipment	Supplies / Postage	280.65
Unitech	ST Supplies	94.50
Ward Laboratories, Inc.	WR Testing	26.00
	TOTAL CLAIMS:	533,129.05

AGREEMENT:

Pepplitsch reviewed a cooperative agreement with Darling International, Inc. for wastewater treatment facility improvements and operations. He noted the intent of the agreement is to provide the ability for both entities to comply with current and future wastewater discharge parameters, with cooperative financing. Darling would fund just over 50% of the improvement costs. Following discussion, moved by Miller, seconded by Bennett, to approve the agreement as presented and to authorize the Mayor to execute all necessary documents. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

AGREEMENT:

Pepplitsch reviewed an agreement with Miller & Associates for engineering services for the Southeast Business Park Improvements project. The agreement includes design and construction observation for paving, water and sewer line installation. Pepplitsch noted that the project is partially funded with federal funding, and is anticipated to be completed by September 2012. Following discussion, moved by Tomasek, seconded by Miller, to approve the agreement for engineering services as presented. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

FRANCHISE AGREEMENT:

Ordinance No. 2313 entitled "AN ORDINANCE TO APPROVE CABLE TELEVISION FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Following review of the agreement, moved by Tomasek, seconded by Salem, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

Ordinance No. 2313 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2313 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2311 entitled "AN ORDINANCE TO AMEND SECTION 19-8 OF THE LEXINGTON CITY CODE; TO REVISE DEFINITION OF SEXUAL PREDATOR; TO REPEAL ORIGINAL SECTION 19-8 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 for first reading. Pepplitsch noted that the amendment would reflect current definitions per State Statute. 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. 2311 was presented for final reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2311 on final reading. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2312 entitled "AN ORDINANCE TO AMEND SECTIONS 2-26 THROUGH 2-29 OF THE LEXINGTON CITY CODE; TO CREATE THE COMMUNITY DEVELOPMENT AGENCY; TO REPEAL ORIGINAL SECTIONS 2-26, 2-27, 2-28, AND 2-29, 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. Pepplitsch explained the intent of the ordinance was to establish a Community Development Agency to replace the current Community Redevelopment Authority, where members of the Council could participate in Agency activities and create a proactive economic development department within the city. He indicated that current CRA members would be transitioned into the CDA over time, and the CDA would function under the same law as the CRA currently functions. Following discussion, moved by Miller, seconded by Tomasek, to approve Ordinance No. 2312 on first reading. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

- APPOINTMENTS:** Moved by Tomasek, seconded by Salem, to reaffirm the appointment of Council members Linda Miller and Joni Bennett, and City Manager Joe Peplitsch to the Lexington Community Facilities Agency. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.
- DTR IMPROVEMENTS:** Peplitsch and Burnside presented preliminary concepts of downtown infrastructure improvements, utilizing the Downtown Revitalization grant funding. Following discussion, staff was directed to further develop the concept for subsequent Council approval.
- FINANCIAL REPORT:** Peplitsch reviewed a financial report for December 2011. Following discussion, moved by Salem, seconded by Tomasek, to accept the financial report as presented. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.
- ROUNDTABLE:** Peplitsch asked for tentative dates for a planning session in February. It was determined that a meeting on Saturday, February 4, 2012 will be scheduled.
- Burnside announced that Lexington was the recipient of an Award of Merit from the Nebraska Concrete Paving Association for the Recreation Trail on the 13th Street Improvement project.
- 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