

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 22, 2011, 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 Hodges and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also in attendance were Dan and Marilyn Sabin, Randy and Kellie Rieke, and Linda Erickson, Contryman Associates.

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 3-08-2011 Minutes of the Regular meeting held Tuesday, March 8, 2011, 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 \$409,852.76 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 \$222,356.86 from the General Fund, \$128,375.94 from LEXUS, \$27,723.13 from Sanitation, \$2,313.92 from Ambulance Fund, \$26,423.70 from Health Fund, and \$2,659.21 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
March 22, 2011

AFLAC	Premium	1,360.59
Alamar Uniform Co.	Police Uniform Expense	199.26
Audio Editions	Library Books	75.15
Awards Plus	Fire Supplies	70.00
Axis Capital, Inc.	Mail Machine Pmt	840.00
Business Card	WWTP/Bldg Insp/Fire/ST/PK Spls-Conf	1,801.24
Business Office Systems, Inc.	Library Copies	20.42
Cash-Wa Distributing	Food & Supplies	630.98
Central Garage Fund	Service / Repair	5,969.35
Chief	Police Uniform Expense	26.77
Dan's Sanitation, Inc.	Sanitation Fees	1,419.00

Danko Emergency Equipment Co.	Fire Supplies	27.29
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Oil / Fuel / Supplies	2,887.66
Dawson County Clerk	Dispatch Fees	25,000.00
Demco	Library Supplies	193.30
Diamond Sales	Library Books	181.05
Diamond Vogel Paint	Street Marking Paint	2,979.00
Eakes Office Plus	Library Supplies	49.99
EMS Billing Services, Inc.	Ambulance Service	1,698.23
Fagot Refrigeration & Electric	Tyson Substation Heat Pump	4,897.67
Fairbanks Farm Equipment	Parks - Grasshopper Mower	10,100.00
Fastenal	WWTP Supplies	23.01
FireGuard, Inc.	Fire Equipment	197.64
FYR-TEK	Fire Supplies	99.50
G & V Inc.	Snow Removal	135.00
Gale Group, The	Library Books	116.98
Galls	Fire Supplies	473.07
Garden & Lawn Landscaping	Yard Clean-up	150.00
Great Western Bnk-Lib Petty Cash	Postage / Food / Supplies	195.73
Hach Company	WWTP Testing Supplies	189.00
Health Claims Fund	Claims	24,775.44
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Ingram Library Services	Library Books	607.69
Jones Plumbing & Heating, Inc.	WWTP / Lib Supplies	52.85
League of Nebraska Municipalities	Conference - Wightman Lunch	20.00
Lexington Newspapers, Inc.	Publications	329.87
Marriott Hotels & Resorts	League Conference	2,194.14
Martin Electric Co.	WWTP Supplies	70.18
Mead Lumber/Rental-Lexington	Central Garage / PK / Non-Dept Supplies	940.52
Meridian Library System	Registration	15.00
MicroMarketing, LLC	Library Books	114.45
Midstates Construction Product	Street Supplies	1,376.25
Miller & Associates	Municipal Bldg Renovations / NW 3rd Add	32,481.26
Miller, Linda	Conference	322.50
Moore Medical	Ambulance Supplies	42.78
Morris Press	GGC Copies	35.00
Nebraska National Bank	Copier Payments	1,195.44
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,209.28
OCLC, Inc.	Library Subscription	20.73
Platte Valley Communications	Fire Supplies	46.50
Plum Creek Motors, Inc.	Central Garage Supplies	113.74
Price's Tree Service, Inc.	Stump Removal	650.00
QA Balance Services	WWTP Service	125.00
R C Booth Enterprises	Library Book	29.00
Roberts Dairy Company	Beverages	162.51
S & W Auto Parts	Central Garage Supplies	414.87
Sampson, James D.	Right of Way - Frontier St & Hwy 283	500.00
Sargent Drilling Co.	Well #8 Repair / Service	2,359.96
Service Master Mid Nebraska	Cleaning Service	4,741.00
Steve's Lock & Key	Recreation Supplies	23.60
T. O. Haas Tire Co., Inc.	Tires / Repair	366.54
TASC	Flex Plan Admin Fees	177.48
Taste of Home Books	Library Book	30.98
Thompson Co., The	Food & Supplies	418.33
Tri-County Hospital	Wellness / Ambulance Supplies	454.00
Tyler Technologies	UTL Office Bar Code	350.00
U-Save Business Equipment	Postage/UPS/GGC/ST/Libr/Spls	433.84

Upstart	Library Supplies	42.25
Wal-Mart	Supplies	557.49
World Book, Inc.	Library Books	558.90
Audio Editions	Library Books	34.79
Best Books, Inc.	Library Books	1,142.68
Card Center/Orscheln	WWTP/ST/WR/Central Garage Supplies	532.06
Dan's Sanitation	Sanitation Fees	27,723.13
Davis Energy, Inc.	Fuel	3,252.68
Designer Craft Woodworking, Inc.	Casework at Soccer Field Concession Bldg	4,995.00
Electronic Systems, Inc.	Library Service / Repair	112.00
Environmental Systems Research	GSI Server / Maintenance Fees	6,000.00
Eustis Body Shop	Towing Expense	100.00
Fastenal	ST / WR Supplies	225.75
Gale Group, The	Library Books	147.21
Great Western Bnk-Cty Petty Cash	Meals / Car Wash / Postage	62.38
Great Western Bnk-Lib Petty Cash	Meal / Postage	19.54
Hawkins, Inc.	Aquatic Center Chemicals	1,085.36
Health Claims Fund	Claims	110.19
Holiday Inn	Conference	77.00
Lexington Newspapers	Publication	22.49
Lexington, City of	Franchise Fees	61,038.14
Lexington Utilities System	Utilities	36,069.21
Payroll	Wages	104,104.68
Social Security	Employer Portion / FICA Med	7,625.29
First National Bank	Employer Portion / Pension	3,594.98
First National Bank	Police Pension	1,531.51
ICMA	City Manager Pension	433.84
Matheson Tri-Gas, Inc.	Ambulance Supplies	37.35
McCookNet Internet Service	Meter Batteries	310.09
Mead Lumber/Rental-Lexington	PK Supplies	170.23
Miller & Associates	Bike / Pedestrian Trail	2,375.74
NE Public Health Environmental Lab	WR Testing	1,410.00
Nebraska Machinery	ST Supplies	44.54
Overton Community Center	Meals on Wheels	100.00
Quality Books, Inc.	Library Books	1,549.37
Regional Books, Inc.	Library Books	113.88
RTC Corp.	WWTP Testing Supplies	504.40
Steve's Lock & Key	Soccer Fields Concession Bldg Svc/Spls	132.94
U-Save Business Equipment	UPS Chgs / Postage / ST Supplies	78.23
Upstart	Library Supplies	6.00
Wal-Mart	Supplies	113.83
	TOTAL CLAIMS:	409,852.76

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider an application for a Class I Liquor License for Randy and Kellie Rieke dba Madeline's Café and Bakery. Randy Rieke explained that this would be for on-sale beer and wine at private events and evening meals. Following discussion, the public hearing was closed. Moved by Miller, seconded by Salem, to recommend approval of the Class I liquor license application by Randy and Kellie Rieke dba Madeline's Café and Bakery. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

AUDIT REPORT:

Linda Erickson, Contryman Associates, presented the Fiscal Year 2010 Audit Report to Council, noting that an unqualified report had been issued. Following discussion, moved by Tomasek, seconded by Bennett, to accept

the report as presented. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to discuss on ordinance to repeal Sections 28-31 and 28-31.1 of the City Code related to fence regulations. Pepplitsch explained that the current code has conflicting language in several chapters and fence regulations would be better fit within the building section of the code rather than the zoning section. There were no comments from the public. The public hearing was closed.

ORDINANCE:

Ordinance No. 2292 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, REPEALING SECTION 28-31 AND SECTION 28-31.1 OF THE CITY CODE, THEREBY REMOVING PROVISIONS FOR FENCES AND CORNER LOT SIGHT REQUIREMENTS FROM THE ZONING CHAPTER; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Following discussion, moved by Salem, seconded by Miller to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2292 was read on final reading. Moved by Salem, seconded by Miller, approve Ordinance No. 2292 on final reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2293 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING CHAPTER 6 OF THE CITY CODE BY ADDING PROVISIONS FOR FENCES; AMENDING CHAPTER 24 OF THE CITY CODE BY ADDING PROVISIONS FOR VISION CLEARANCE; TO REPEAL ORIGINAL CHAPTER 9, 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 Council consideration. Following discussion, moved by Miller, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

Ordinance No. 2293 was presented on final reading. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2293 on final reading. Roll call. Voting “aye” were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

SANITATION RATES:

Resolution No. 2011-13 was presented. Dan Sabin, Dan’s Sanitation, explained that rising fuel costs are affecting other operating costs and he is now requesting an increase in sanitation rates. Discussion was held on amending one effective date in the resolution and slightly increasing the administrative fee. Following discussion, moved by Miller, seconded by Bennett to approve Resolution No. 2011-13 with discusses amendments. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011- 13

WHEREAS, Section 22-7 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

WHEREAS, an increase in operating expenses justifies an increase in existing rates.

BE IT THEREFORE RESOLVED, that effective April 1, 2011, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$14.00 per month, plus an administrative charge of \$0.75, for a total of \$14.75 per month.

BE IT FURTHER RESOLVED, that effective April 1, 2011, the charge for residential customers who are single and 65 years of age or older shall be \$12.00, plus administrative charge of \$0.75, for a total of \$12.75 per month.

PASSED AND APPROVED this 22nd day of March, 2011.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

AGREEMENT:

Pepplitsch presented a revised agreement with NDOR for the 17th Street, Madison-Van Buren Project. He explained that the revisions referred to environmental review responsibility and procurement. Following discussion, Resolution No. 2011-12 was presented. Moved by Salem, seconded by Miller, to approve Resolution No. 2011-12. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO 2011-12

WHEREAS: The City of Lexington has entered into an Agreement with the State of Nebraska Department of Roads, to proceed with construction of Project No. URB-6558(1), 17th Street, Madison-Van Buren, Lexington, Control No. 61537; and

WHEREAS: The Department of Roads on March 11, 2011, has requested a revision to said Agreement;

NOW BE IT RESOLVED by the City Council, City of Lexington, Nebraska, that the Revised Agreement for the above described Project, attached hereto, is hereby approved, and that John Fagot, as President of the Council, is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington, Nebraska.

PASSED AND APPROVED this 22nd day of March, 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

DCOC PHASE 3:

Pepplitsch reviewed a bid tabulation for the Dawson County Opportunity Center Phase 3 project. Following discussion, moved by Miller, seconded by

Tomasek, to accept the bids and to award a contract to Central Contracting Corporation to include the lump sum base bid and alternate #1. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested approval of Pay Request #3 (Final) from Weathercraft Company for the Dawson County Opportunity Center Roof project in the amount of \$25,474.10. Following discussion, moved by Salem, seconded by Bennett, to approve the Pay Request as presented. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

2011 ACTION PLAN: Peplitsch reviewed a final draft of the 2011 Development Action Plan. Following discussion, moved by Miller, seconded by Tomasek, to approve the 2011 Development Action Plan as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

SALE OF PROPERTY: Council and Staff discussed plans for a city owned building located at 609 N. Lincoln. Staff directed Peplitsch to obtain an appraisal of the property for future discussions.

FINANCIAL REPORT: Peplitsch presented a Financial Report for February 2011. Following discussion, moved by Tomasek, seconded by Salem, to accept the financial report as presented. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

ROUNDTABLE: Peplitsch reminded Council of the DAD retreat scheduled for Saturday, March 26, 2011, at 9 am at the Opportunity Center. He also gave updates on current projects, future meetings, and legislative activity.

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