

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 8, 2011, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Steve Tomasek, Joni Bennett, John Salem and Linda Miller. 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 Harry Perkins, Kearney Hub, and Dan Gruber, Clipper-Herald. Also in attendance was Dana Daniels, Miller & Associates

**NOTICE:** Notice of the meeting was given in advance, thereof by thereof by posting in the following locations: Lexington Municipal Building, Dawson County Courthouse, Homestead Bank, Great Western Bank, Pinnacle Bank. 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 2-22-11:** Minutes of the Regular meeting held Tuesday, February 22, 2011, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**MINUTES – PLANNING SESSION 2-26-11:** Minutes of the Planning Session held Saturday, February 26, 2011, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,647,846.30 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$341,357.94 from the General Fund, \$4,280.00 from TIF, \$1,223,330.77 from LEXUS, \$10,000.00 from Sanitation, \$1,591.60 from Ambulance Fund, \$62,455.36 from Health Fund, and \$4,830.63 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
March 8, 2011

All Points Cooperative	Fuel	355.93
American Girl	Library Subscription	22.95
Anderson Graphics	Library Service	431.85
Barco Municipal Products, Inc.	ST Signs	568.35
Barmore Drug Store, Inc.	Ambulance Supplies	40.47
Benefit Consultants Group	Fire Dept Pension Service	20,000.00
Bennett, Joni	Conference	196.50

Brown Traffic Products	EL Supplies	115.00
Burnside, Dennis	Conference	169.32
Career Services, Inc.	Lots / New Neighborhood Project	120,000.00
Case Credit Advantage	Central Garage Supplies	19.71
Cash-Wa Distributing	Food & Supplies	1,503.51
Central Garage Fund	Service / Repair / Fuel	13,313.42
Community Redevelopment Authority	Internet Service for TIF Area #1	4,280.00
Culligan Water Conditioning Co.	Soft Water Supplies	289.13
Dan's Sanitation	Sanitation Fees	11,254.00
Davis Energy, Inc.	Fuel	9,443.29
Dawson Area Development	Admin Fees New Neighborhood Initiative	5,500.00
Dawson County Handibus	Transportation	32.00
Dawson County Register of Deeds	Filing Fees	24.50
Dawson Pest Control	GGC Service	35.00
Dell Marketing L P	Computer	1,800.01
Depository Trust Co.	2004 Combined UTL Bond Pmt	36,687.50
Doran Post & Associates, Inc.	Surety Bond Renewal	40.00
Eakes Office Plus	Library Supplies	89.06
Electric Fixture & Supply	EL / WWTP Supplies	78.14
Fagot, John	Conference	178.50
Farmer Brothers Coffee	Food	494.79
Fastenal	ST / Central Garage Supplies	178.73
Felsburg Holt & Ullevig	Stormwater Professional Service	937.50
Fifth Street Automotive, Inc.	Vehicle Repair	205.22
Fox Bros. Hay Co., Inc.	Grinding Service	3,364.50
Frederick, Michael	Book	16.00
FYR-TEK	Fire Dept Supplies	74.79
G-Neil	Personel Software	438.00
Gale Group, The	Library Books	494.10
Gnirk Lawn Care, Inc.	Aeration / Insecticide Applications	5,490.87
Government Finance Officers Association	Membership Dues	190.00
Hach Company	Testing Supplies	296.93
HD Supply Waterworks	WR Supplies	1,135.24
Health Claims Fund	Claims	59,638.65
Holbein, Dahlas D.	Snow Removal	120.00
Ingram Library Services	Library Books	739.01
Jim Phillips Const.	Sidewalk / Curb Repair	3,519.00
Jones Plumbing & Heating	WR/WWTP Spls/Police Repair	298.97
K Lawn	Fertilizer / Insecticide Applications	679.25
Knapp Electric, Inc.	ST Supplies	268.69
Lawson Products, Inc.	ST Supplies	223.76
Lexington Animal Clinic	Animal Care	619.05
Lexington Glass Co.	Central Garage Supplies	35.00
Lexington Health Fund	Self-Funding	32,735.51
Lexington Housing Authority	Soccer Building Refrigerator	684.00
Lexington Newspapers, Inc.	Publications	353.62
Lexington Postmaster	Postage	150.00
Lexington, City of	Franchise Fees	120.41
Madeline's Café & Bakery	Food	21.48
Mast's Fire Extinguisher Sales	Fire Dept Supplies	82.19
Matheson Tri-Gas, Inc.	Ambulance Supplies	66.00
McCookNet Internet Service	Service / Supplies	294.04
Mead Lumber & Rental-Lexington	PK / Muni Bldg / WR Supplies	401.78
Meritain Health	Premium	23,447.63
Mick's Platte Valley Glass	Police Dept Window	1,380.75
Microfilm Imaging Systems, Inc.	Library Service Agreement	380.00
MicroMarketing, LLC	Library Books	673.18

Miller & Associates	Pro Svc WWTP/Scr Fields/NW Add	5,777.70
Mitchell, Derek	Police Evidence / Lopez	3,523.76
Morris Press	GGC Service	73.00
Municipal Supply, Inc.	WR Supplies	1,355.82
Nebraska Dept of Agriculture	Pesticide License	25.00
NE Dept of Health & Human Services	Aquatic Center Renewal Fee	40.00
NE Law Enforcement Training Center	Seminar	36.00
NE Mosquito & Vector Control Assn	Workshop	120.00
Nebraska Public Health Environmental Lab	WR Testing	464.00
Nebraska Public Power District	Power Purchase	989,157.66
Nebraska Public Power District	O & M	65,500.00
Nebraska Secretary of State	Notary Bond	30.00
Oriental Trading Company, Inc.	Library Supplies	125.33
Paulsen, Inc.	Concrete	666.41
Pepplitsch, Joe	Conference / Meeting Expense	264.15
Platte Valley Auto Mart	Central Garage Supplies	126.99
Plum Creek Cleaners	Supplies	230.50
Plum Creek Market Place	Food & Supplies	84.14
Principal	Dental Premium	1,756.80
Read Aloud Nebraska	Registrations	40.00
Reutlinger, Chad	Meals	37.50
Roberts Dairy Company	Beverages / Food	399.28
Rowan, Eric	Meals / Mileage	219.30
S & W Auto Parts, Inc.	Central Garage	323.00
Scholastic Library Publishing	Book	77.00
Service Master Mid Nebraska	Cleaning Service	2,202.87
Sharpe Mixers	WWTP Supplies	878.18
Source Gas, LLC	Gas Service	9,069.30
Statewide Collections, LLC	Collection Fees	286.39
Subway Sandwiches & Salads	Food	37.22
T. O. Haas Tire Co., Inc.	Repair	18.70
Team Detail & Quicklube	Car Washes	36.99
Thompson Co., The	Food & Supplies	1,717.46
Tomasek, Steve	Conference	189.21
U-Save Business Equipment	Muni Bldg / Police / Postage	297.00
Unitech	PK Supplies	224.50
Upstart	Library Supplies	174.85
Wal-Mart	Supplies	300.05
Ace Irrigation and Mfg. Co.	EL Supplies	1,304.42
Audio Editions	Library Supplies	26.50
Blythe, Lance	Seminar	105.00
Conney Safety Products	ST / Cem / PK Supplies	264.12
Copycat Printing	Business Office Supplies	53.11
Cummins Central Power, LLC	WWTP Generator	752.76
Davis Energy, Inc.	Fuel	3,363.00
Dawson Public Power District	Power Purchase	5,400.66
Electric Fixture & Supply	Muni Bldg Supplies	-60.24
Fastenal	WR Supplies	36.44
Fisher Scientific	Testing Supplies	173.51
FYR-TEK	Fire Dept Equipment Repair	1,525.76
Great Plains One-Call Service	Locates	35.17
Hach Company	Testing Supplies	334.39
HD Supply Waterworks	WR Supplies	1,372.67
Health Claims Fund	Claims	1,059.91
Lexington Area Solid Waste Agency	Landfill	622.89
Lexington Newspapers, Inc.	Publications	104.90

Payroll	Wages	103,269.04
Social Security	Employer Portion / FICA Med	7,561.40
First National Bank	Employer Portion / Pension	3,605.53
First National Bank	Police Pension	1,498.23
ICMA	City Manager Pension	433.84
Lincoln Winwater Works	WR Supplies	954.44
Lynn Peavey Company	Police Supplies	83.30
MicroMarketing, LLC	Library Supplies	39.98
Mid-State Units	Rental	80.00
Moore Medical	Ambulance Supplies	819.17
Municipal	WR Supplies	2,188.64
Nebraska Department of Revenue	Sales & Use Tax	55,164.60
NE Law Enforcement Training Center	TABE Tests	30.00
Nebraska State Historical Society	Membership Dues	40.00
Omaha World Herald	Library Subscription	252.72
Physio-Control, Inc.	Ambulance Supplies	444.00
Platte Valley Communication of Kearney	Fire Dept Radios / Batteries	1,319.55
Plum Creek Market Place	Food	13.92
Reutlinger, Troy	Seminar	105.00
Salem, John	Conference	196.86
Upstart	Library Supplies	10.50
Western Engineering Company, Inc.	ST Supplies	657.77
	<b>TOTAL CLAIMS:</b>	<b>1,647,846.30</b>

**ONE & SIX YEAR PLAN:**

Mayor Fagot opened a public hearing to receive comments on the proposed 2011 One and Six Year Street Improvement Plan. Pepplichtsch noted that a project for a portion of Monroe Street was added to the 6 year plan per previous discussions. Following discussion, the public hearing was closed. Resolution No. 2011-09 was presented for Council consideration. Moved by Salem, seconded by Miller, to approve Resolution No. 2011-09 as presented. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**RESOLUTION OF ADOPTION 2011-09**

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

BE IT FURTHER RESOLVED, this Program was approved:

Approved as presented

Date: March 8, 2011

John Fagot, Mayor

Attest: Joe Pepplichtsch, City Clerk

**FRONTIER ST IMP:**

Dana Daniels presented plans and specifications for the proposed Frontier Street and Highway 283 Intersection Improvements project. Following discussion, moved by Miller, seconded by Tomasek, to approve the plans and specifications as presented and to authorize the solicitation of bids. Roll call. Voting “aye were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 2011-10 was presented to Council. Peplitsch explained that this resolution corrects a previous resolution concerning the approved conservation easement in question. Moved by Miller, seconded by Tomasek, to approve Resolution No. 2011-10 as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-10

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, are the owners of the following described real estate, to-wit:

A tract of land in the East One-Half of Section Four (4), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska, and more particularly described as follows:

Referring to the North One-Quarter Corner of Section Four (4), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska; Thence S 0°45'11" W (an assumed bearing), and along the West Line of the Northeast Quarter of said Section Four (4), a distance of 50.00 feet, to the Point of Beginning; Thence continuing S 0°45'11" W, and along the West Line of the Northeast Quarter of said Section Four (4), a distance of 2598.37 feet, to the Center One-Quarter Corner of said Section Four (4); Thence S 89°31'46" E, and along the South Line of the Northeast Quarter of said Section Four (4), a distance of 791.20 feet; Thence N 05°28'14" E, a distance of 328.00 feet; Thence S 55°54'31" E, a distance of 590.13 feet; Thence S 89°31'46" E, and along the South Line of the Northeast Quarter of said Section Four (4), a distance of 94.20 feet; Thence S 18°47'51" E, a distance of 123.07 feet; Thence N 45°12'11" E, a distance of 163.53 feet; Thence S 89°31'46" E, and along the South Line of the Northeast Quarter of said Section Four (4), a distance of 106.00 feet; Thence S 55°12'36" E, a distance of 588.80 feet; Thence S 89°31'46" E, and parallel to the South Line of the Northeast Quarter of said Section Four (4), a distance of 27.00 feet; Thence N 01°16'59" E, and parallel to the East Line of the Southeast Quarter of said Section Four (4), a distance of 332.00 feet; Thence S 89°31'46" E, and along the South Line of the Northeast Quarter of said Section Four (4), a distance of 427.00 feet; Thence N 00°14'32" W, and parallel to the East Line of the Northeast Quarter of said Section Four (4), a distance of 2441.90 feet; Thence N 89°42'58" W, and along the South Line of part of Lots 4-26 of Bacon's Subdivision, and also parallel to the North Line of the Northeast Quarter of said

Section Four (4), a distance of 2211.02 feet; Thence S 00°17'02" W, a distance of 42.00 feet; Thence N 89°42'58" W, and parallel to the North Line of the Northeast Quarter of said Section Four (4), a distance of 310.00 feet; Thence N 00°17'02" E, and along the West Line of Lot 1 of Bacon's 1st Subdivision, a distance of 207.00 feet, to the Northwest Corner of Lot 1, Bacon's 1st Subdivision; Thence N 89°42'58" W, and parallel to the North Line of the Northeast Quarter of said Section Four (4), a distance of 47.90 feet, to the place of beginning and containing 145.23 acres, more or less, EXCEPT a tract of land in the Northeast Quarter (NE1/4) of Section Four (4), Township Nine (9) North, Range Twenty-One (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said quarter section thence

S89°31'46"E (an assumed bearing and all bearings shown herein are relative thereto) on the south line of said Northeast Quarter a distance of 33.00 feet to the point of beginning said point is on the Easterly right of way of Spring Creek; thence continuing S89°31'46"E on said south line a distance of 505.48 feet; thence N01°19'38"E a distance of 517.30 feet to the Southerly right-of-way line of Nebraska Public Power District's irrigation lateral; thence N51°50'38"W on said south line a distance of 77.60 feet; thence N38°52'23"W continuing on said south line a distance of 131.80 feet; thence N31°52'22"W continuing on said south line a distance of 704.00 feet to the easterly right-of-way line of Spring Creek; thence S00°45'03"W on said line a distance of 1238.58 feet to the place of beginning. Said tract contains 10.11 acres, more or less.

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, on the real estate legally described hereinabove and LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, is desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and LOGAN C. KINNISON and ANNE STUART KINNISON, husband and wife, and MARY C. STUART, a single person, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2003), on July 27, 2010, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2003) on August 4, 2010, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

Resolution moved by Council Member: Linda Miller  
Seconded by Council Member: Steve Tomasek

Vote:

Mayor Fagot:	For	;	Against	;	Abstained	;	Not Present
Council Member Tomasek:	For	;	Against	;	Abstained	;	Not Present
Council Member Bennett:	For	;	Against	;	Abstained	;	Not Present
Council Member Miller:	For	;	Against	;	Abstained	;	Not Present

Council Member Salem: For ; Against ; Abstained ; Not Present

PASSED AND ADOPTED this day of \_\_\_\_\_, 2011.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, City Clerk

**AGREEMENT:**

Pepplitsch requested approval of an agreement for preliminary and final design services for the 17<sup>th</sup> and Walnut Streets Project, PN URB-6558(1), CN 61537, with Miller & Associates. Following discussion, Resolution No. 2011-11 was presented. Moved by Salem, seconded by Miller, to approve Resolution No. 2011-11 as presented. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO 2011-11

RESOLUTION

SIGNING OF AN ENGINEERING SERVICES AGREEMENT

Whereas: The City of Lexington is developing a transportation project for which it intends to obtain Federal funds; and

Whereas: The project is named “17th Street and Walnut Street” with the federal project number URB-6558(1), and the Nebraska Department of Roads Control Number 61537; and

Whereas: The 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; and

Whereas: The City of Lexington and Miller & Associates wish to enter into an Engineering Services Agreement to provide Engineering Services for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington that:

Dennis Burnside, Responsible Charge, is hereby authorized to sign the attached Engineering Services Agreement between the City of Lexington and Miller & Associates.

PASSED AND APPROVED this 8th day of March, 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

**LVFD MEMBERSHIP:**

Pepplitsch reviewed the current LVFD membership roster, including two new probationary members. Following discussion, moved by Salem, seconded by Miller, to approve the current LVFD roster as presented. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**ROUNDTABLE:**

Peplitsch reviewed current project including the flood plain remapping and a comprehensive plan update. He reminded Council that there will be a DAD county wide retreat on March 26, 2011 at the Opportunity Center.

Berke presented a thank you letter from DAD to Council and Staff for their involvement in the Opportunity Center open house event.

**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.

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Deputy City Clerk