

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 14, 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, and Linda Miller. John Salem arrived at 6:15 p.m. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Building Inspector Bill Brecks, and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Also in attendance were Dana Daniels, Miller & Associates, Alfredo Zamora-Gomez, Daisy Zamora, and Brian Davis.

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 7-24-2012 Minutes of the Regular meeting held Tuesday, July 24, 2012, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Bennett, Tomasek, Fagot. Salem was absent from the vote. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,689,217.45 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 \$289,656.97 from the General Fund, \$1,342,950.02 from LEXUS, \$10,000.00 from Sanitation, \$4,569.00 from Landfill, \$3,053.14 from Ambulance Fund, \$33,615.98 from Health Fund, and \$5,372.34 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Fagot. Salem was absent from the vote. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 14, 2012**

Accucut Systems	Library Supplies	73.00
Alamar Uniform Co.	Police Uniform Expense	407.97
All Points Cooperative	Fuel / Insecticide / Weed Killer	1,082.18
American Red Cross-Health & Safety	Life Guarding Lessons	489.00
Anderson Graphics	Library Service	76.25
Annie's Attic Books	Library Book	19.94
Area Services	WWTP Pumping Service	1,177.50
Arnold Pool Company	LFAC Supplies	105.81
Arrowhead Scientific, Inc.	Police Supplies	76.04
Awards Plus	Police Supplies	156.00
Barco Municipal Products, Inc.	ST Signs / Posts	1,753.26
Bert Gurney & Associates, Inc.	WWTP Lobe & Wear Plate Kits	1,288.84

Blackburn Mfg, Co.	WR Supplies	368.05
Cash-Wa Distributing	GGC/Rec/LFAC/SB Spls & Food	4,261.47
Central Community College	CPR Instructors Class/Ambulance	330.00
Central Garage Fund	Fuel / Service & Repair	16,765.16
Concordia University, NE-Plum Creek	Library Conference	60.00
Consolidated Management Company	Police School Meals	328.75
Culligan Water Conditioning Co.	Soft Water Supplies	187.66
Dan's Sanitation	Sanitation Fees	13,595.96
Danko Emergency Equipment Co.	Fire Dept Equipment	1,750.00
Davis Energy, Inc.	Fuel / Oil	11,739.18
Dawson Area Development	New Neighborhood Initiative PJ	4,000.00
Dawson County Transit Bus	Transportation	28.00
Dawson Pest Control	GGC / DCOC Service	91.35
Dawson Public Power	Power Purchase	423.02
Demco, Inc.	Library Supplies	102.60
Designer Craft Woodworking, Inc.	DAD Table/Casework-DCOC	3,344.00
Diamond Vogel Paint	PK / ST Supplies	3,515.58
Dugan Business Forms	Business Office Supplies	298.06
Dutton-Lainson Company	EL Meter Supplies	423.59
Eakes Office Plus	Library Supplies / ST Copies	180.06
Eilers Machine & Welding, Inc.	Central Garage Supplies	59.73
Electric Fixture & Supply	EL / LFAC Supplies	230.01
EMS Billing Services, Inc.	Ambulance Billing Service	1,428.62
Eustis Body Shop, Inc.	Towing Expense / Vehicle Repair	300.15
Fagot Refrigeration & Electric	Muni Bldg Service / Repair	1,918.85
FedEx	WWTP Shipping Chg	58.63
Follett Software Co.	Library Supplies	79.44
Gale Group, The	Library Books	131.50
Gould, Stanley E.	EL Rebate	450.00
Great Plains One-Call Service	Locates	82.10
Health Claims Fund	Claims	28,976.63
HOA Solutions, Inc.	Variable Frequency Drives Wells	26,440.00
Holbein, Dahlas D.	Lawn Care / Yard Clean-up	660.00
Hometown Brand Center	Ambulance Equipment	799.99
Ingram Library Services	Library Books	830.49
Intellicom Computer Consulting	Computer Service	47.00
Jakes Toro Sprinklers	LFAC Sprinkler Repair	82.25
JEO Consulting Group, Inc.	Comprehensive Plan Study	8,014.72
Jim Phillips Const.	ST / Main Break Repairs	9,220.00
John Deere Financial/Landmark Implement	Central Garage Supplies	130.19
Jones Plumbing & Heating, Inc.	LFAC/PK/Fire Dept Rep/Spls	976.33
K.R.V.N. Radio	NPPD Coop Ads	208.00
Kearney Hub	Publication	28.96
Kelley Tree Service, LLC	Tree Removal/Power Line Cleanup	17,000.00
Kelly Supply Company	WWTP Supplies	673.88
Kinney, Joel	Mileage to School	199.80
Konica Minolta Business Solutions	City / Library / Police Copies	891.88
Kratzer Electric, Inc.	Service Bldg Repair	92.93
League of Nebraska Municipalities	Membership Dues	8,990.00
Lexington Animal Clinic	Animal Care	846.80
Lexington Area Solid Waste Agency	Landfill	1,092.36
Lexington Newspapers, Inc.	Publications	762.68
Lexington Postmaster	GGC/Muni Bldg Postage/Stamps	665.00
Lexington Regional Health Center	Wellness / Drug Tests	203.00
Lexington, City of	Franchise Fees	164.99
Lexington City Payroll Account		
Payroll	Wages	141,396.42

Social Security	Employer Portion / FICA Med	10,460.83
Union Bank & Trust	Employer Portion / Pension	3,878.07
Union Bank & Trust	Police Pension	1,813.30
ICMA	City Manager Pension	463.85
Mac's Short Stop	GGC/Rec/LFAC Food & Supplies	965.73
Martin Electric, Inc.	LFAC Repair	70.79
Matheson Tri-Gas Inc.	Ambulance Supplies	74.00
Matt Parrott/Storey Kenworthy	Business Office Supplies	1,121.12
McCookNet Internet Service	Service	53.00
Mead Lumber & Rental-Lexington	Cem / PK / LFAC Supplies	453.59
Mejia, Rigoberto	UTL Refund	25.74
MicroMarketing, LLC	Library Books	1,026.59
Mid-American Research Chemical	WWTP Supplies	276.74
Mid-State Units	Rental	1,440.00
Midland Scientific, Inc.	WWTP Supplies	289.43
Midwest Laboratories, Inc.	Landfill Testing	4,569.00
Millican, Mike	EL Rebate	800.00
Morris Press	GGC Supplies	73.00
Mr. Automotive	Police / ST Supplies	111.66
National Geographic Little Kid	Library Subscription	15.00
National Patent Analytical System	Police Equipment Repair	228.72
NE Public Health Environmental Lab	WR Testing	209.25
NE Department of Environmental Quality	Certificate Renewal	150.00
Nebraska Library Commission	Library Subscription	3,400.00
Nebraska Public Power District	O & M	65,000.00
NebraskaLink	Library Service	15.00
Olsson Associates	Downtown Reviatlization-Phase II	1,268.67
Paulsen, Inc.	Concrete	3,615.96
Platte Valley Auto Mart, Inc.	Police Vehicle Service	43.46
Plum Creek Cleaners	Rug Service	283.00
Plum Creek Telephone	LFAC Phone Repair	205.00
Principal	Dental Premium	1,997.52
Rasmussen Mechanical Services	Libr Svc Agmt/WWTP Boiler Rpr	10,839.83
Richardson Mowing	Lawn Care	150.00
Roberts Dairy Company	Beverages & Food	444.02
Rodale, Inc.	Library Book	39.94
S & W Auto Parts, Inc.	Central Garage / WWTP Supplies	602.18
Schwan's Sales Ent	LFAC Food	26.55
Service Master Mid Nebraska	Cleaning Service	4,114.12
Source Gas, LLC	Gas Service	1,605.54
Sport Supply Group, Inc.	Ball Fence Poles	561.58
Statewide Collections LLC	Collection Fees	466.45
Steve's Lock & Key	GGC Latch Repair	74.32
Subway @ Walmart	Meals	35.10
Summit Supply Corporation	LFAC Bench	611.00
T.O. Haas Tire Co., Inc.	Tires / Repair	477.27
Tagge, Darold	Highway Superintendent Service	2,000.00
Team Detail & Quicklube	Police Uniform Expense	35.00
Thalman, Julie	Cleaning Service	160.00
Thompson Company, The	Food & Supplies	1,365.27
Total Lawn Care	Lawn Care	1,125.00
U-Save Business Equipment	Postage/UPS Chgs Supplies	943.16
Unisan Products	DCOC / Muni Bldg Supplies	480.50
Village Uniform	GGC Supplies	68.40
Vision Internet Providers, Inc.	Monthly Hosting Fee	210.00
W P C I	Drug Test	27.10
Walmart	Supplies	678.57

Ward, Tom	EL Rebates	2,200.00
Area Services	SW Line Service	150.00
B & D Office City	Police Supplies	80.40
Barco Municipal Products, Inc.	ST Supplies	590.75
Career Services, Inc.	BECA Grant-Request #3	6,007.87
Center Point Large Print	Library Books	85.08
Central Garage Fund	Service / Repair	1,152.01
Consolidated Management Company	Police School Meal	4.25
Dawson County Sheriff	Firearms Training Range Fee	300.00
Dawson Public Power District	Power Purchase	5,524.39
Farm Plan / Landmark Implement	WWTP Supplies	64.21
Fastenal	WR Supplies	139.81
FYR-TEK, Inc.	Supplies/Vehicle Service/Repair	794.36
Gale Group, The	Library Books	161.34
Global Equipment Company	WWTP Supplies	736.00
Great Western Bank-City Petty Cash	Stamps / Meals / Postage	176.07
Health Claims Fund	Claims	3,579.73
Ingram Library Services	Library Books	490.63
Intellicom Computer Consulting, Inc.	Replacement Battery Backups	112.00
Lexington Health Fund	Self-Funding	31,501.37
Mead Lumber & Rental-Lexington	LFAC / PK / WWTP Supplies	23.26
Menards-Kearney	ST Supplies	247.91
Meritain Health	Premium	18,844.59
MicroMarketing, LLC	Library Books	141.97
Nebraska Dept. of Revenue	Sales & Use Tax	59,319.34
NE Dept of Health & Human Services	UTL Refund	407.63
Nebraska Machinery	Central Garage / Motor	1,207.76
Nebraska Public Power District	Power Purchase	1,098,300.29
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,261.22
Peerless Energy Systems	WWTP Supplies	244.90
Plum Creek Market Place	GGC / Rec Food & Supplies	137.46
Presto-X	Fire Dept Service	87.78
S & W Auto Parts, Inc.	Central Garage Supplies	59.94
Sports Illustrated	Library Subscription	89.04
T. O. Haas Tire, Co., Inc.	ST Tire	361.76
Wal-Mart	Supplies	234.90
Werner's Sprinklers	Sprinkler Repair	76.90
Wilson Foundation, The	Police Class	150.00
	TOTAL CLAIMS:	1,689,217.45

LIQUOR LICENSE:

Mayor Fagot opened a public hearing to consider a Class I B liquor license application from Alfredo Zamora-Gomez dba Oasis, 405 East Pacific. Mr. Zamora appeared with his attorney, Brian Davis, to speak to the application. Davis addressed Council concerns regarding the incomplete application. Following discussion, the public hearing was closed. Moved by Miller, seconded by Bennett, to table action on the application to allow Mr. Zamora-Gomez to provide information to adequately complete the application. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2318 entitled "AN ORDINANCE TO VACATE THAT PORTION OF 4th STREET LYING BETWEEN THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET AND A POINT WHICH IS 176 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO RETAIN EASEMENT FOR PUBLIC UTILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND

FOR PUBLICATION IN PAMPHLET FORM” was presented. Peplitsch explained that this proposed right-of-way vacation is intended to protect the long term operation and maintenance of the area as a public parking facility, and exclude further private utility locations through the property into the future. Following discussion, moved by Miller, seconded by Tomasek, to approve Ordinance No. 2318 on first reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot. Salem was absent from the vote. Motion carried.

PUBLIC HEARING:

Fagot opened a public hearing to consider editorial changes to Chapter 24A and Chapter 28 of the Lexington City Code. Peplitsch indicated that this was part of a recodification effort and provided an overview. The proposed amendments do not attempt to alter existing regulations contained in the chapters; rather, they attempt to resolve inconsistencies with state statutes and other sections of the city code, remove unnecessary language, update definitions, and renumber the chapters and sections as part of the overall recodification effort. Following discussion, the public hearing was closed. No action was taken.

RESOLUTION:

Resolution No. 2012-16 was presented. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 2012-16. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot. Salem was absent from the vote. Motion carried.

RESOLUTION NO. 2012-16

WHEREAS, the City has by Ordinance No. 2317, approved the sale of the following described real estate owned by the City, to-wit:

Lot 2, Block 19, Original Town of Plum Creek, now City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council, is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to COREY URBAN, the purchaser thereof.

PASSED AND APPROVED August 14, 2012.

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

RESOLUTION:

Resolution No. 2012-17 was presented. Following discussion, moved by Bennett, seconded by Tomasek, to approve Resolution No. 2012-17. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
RESOLUTION NO. 2012-17

SIGNING OF SUPPLEMENTAL AGREEMENT #1
CONSTRUCTION ENGINEERING
13th STREET URBAN RECONSTRUCTION

Whereas: The City of Lexington and Olsson Associates entered into an Engineering Agreement BK1160 executed by the Consultant on April 21, 2011, and executed by the City on April 19, 2011, hereinafter referred to as the "Original Agreement," providing for construction engineering services; and

Whereas: The project is named "Lexington 13th Street Urban Reconstruction," with the federal project number STPAA-6556(4), and the Nebraska Department of Roads Control Number 61338; and

Whereas: It is necessary that additional work days for storm sewer work, not contemplated in the Original Agreement, be added under this supplemental agreement; and

Whereas, it is necessary to increase the Consultant's compensation by this supplemental agreement for the additional work necessary to complete the project;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON that the Mayor is hereby directed and authorized to execute on behalf of the City of Lexington, Supplemental Agreement #1 with Olsson Associates, Inc., for Project No. STPAA-6556(4), Control No. 61338, Lexington 13th Street Urban Reconstruction, in the amount of \$8,218.76.

Passed and approved on August 14, 2012.

John Fagot, President of Council

ATTEST: Pamela Berke, City Clerk

AIRPORT ROAD PAVING:

Dana Daniels presented close out documents for the Airport Road Paving project. These documents included Pay Request #1 (Final) of \$206,740.80, Change Order #1 for \$11,199.80 addition, and a Certificate of Substantial Completion. Following review, moved by Miller, seconded by Tomasek, to approve the close out documents for the Airport Road Paving project as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

BUDGET FY 2013:

Council and Staff reviewed draft budget numbers for the General and Enterprises funds for the FY 2013 budget. Following discussion, no action was taken.

ROUNDTABLE DISCUSSION:

Burnside provided a progress update on the Walnut Street Paving project. He also noted that the city received a dividend payment for FY 2011 in the amount of \$12,676, indicating a very fine worker's compensation loss ratio for the year. He thanked city employees for their current and past safety consciousness.

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