

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 14, 2012, 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, and Linda Miller. Council member John Salem was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Chief Building Inspector Bill Brecks and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Dave Jewett, Erin Heineman, Jen Wolf, John Woods, and Mike Lonowski 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 1-24-2012** Minutes of the Regular meeting held Tuesday, January 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. Motion carried.

**MINUTES – PLANNING SESSION 2-4-2012** Minutes of the Planning Session, held Saturday, February 4, 2012, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,688,485.12 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$239,192.54 from the General Fund, \$1,411,195.81 from LEXUS, \$10,000.00 from Sanitation, \$4,754.33 from Ambulance Fund, \$17,802.56 from Health Fund, and \$5,539.88 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Fagot. Motion carried.

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

All Points Cooperative	Fuel	664.30
American Library Association	Membership Dues	185.00
Anderson Graphics	Library Service	76.25
ASK Supply Co.	ST Supplies	436.50
Bamford, Inc.	Ambulance Bldg Service	200.00
Barmore Drug Store, Inc.	WWTP / Fire Dept Supplies	15.98
Bauer Underground, Inc.	Underground Boring / 17th and Grant	6,020.00

Blue Cross Blue Shield	Ambulance Refund	446.56
Brown Traffic Products	ST Supplies	54.00
Career Services, Inc.	BECA Grant Reimbursement	3,780.00
Case Credit Advantage	WWTP Supplies	66.75
Cash-Wa Distributing	Food & Supplies	1,711.97
Central Garage Fund	Fuel / Service & Repair	14,786.37
Central Tire & Tread, Inc.	PK / WR Tires	798.32
Central Valley Irrigation, Inc.	EL Incentive Program	200.00
Culligan Water Conditioning Co.	Soft Water Supplies	176.76
Dan's Sanitation	Sanitation Fees	190.49
Data-Pac Mailing Systems	Postage / Supplies	1,541.12
Davis Energy, Inc.	Fuel	4,075.79
Dawson County Transit Bus	Transportation	30.00
Dawson Pest Control	GGC / DC Opportunity Center Service	91.35
Dawson Public Power District	Power Purchase	6,774.51
DBSP, Inc.	Software Maintenance	1,000.00
Demco, Inc.	Library Supplies	259.76
Ditch Witch of Nebraska, Inc.	WR Supplies	124.44
Eakes Office Plus	Library / ST Supplies	52.53
EBSCO Subscription Service	Library Subscription	5.71
Egan Supply Company	ST/WWTP/DC Opp Center Supplies	258.63
Electric Fixture & Supply	ST / WWTP Supplies	34.26
EMS Billing Services, Inc.	Ambulance Service	1,496.37
Fairbanks International, Inc.	WWTP Utility Vehicle	37,808.85
Fastenal	WWTP / WR Supplies	152.73
Fire-Extrication-Hazmat Billing	Fire Equipment Billing Fee	229.60
Fisher Roofing of Kearney	DTR Phase II / Chandler Bldg	6,000.00
FYR-TEK, Inc.	Fire Equipment Repair	586.44
Gale Group, The	Library Books	410.67
Galls	Uniform Expense	173.21
Glaze, Gary	1/2 of Boots	74.89
Great Plains One-Call Service	Locates	58.04
HD Supply Waterworks	Meter Reading Supplies	161.50
Health Claims Fund	Claims	12,505.52
Home Life, Inc.	Library Subscription	25.00
Ingram Library Services	Library Books	1,046.64
Intellicom Computer Consulting	Computer Service / Replacement Server	627.20
Jack's Uniforms & Equipment	Police Supplies	613.43
Jim Phillips Const.	ST/Sidewalk/Main Break Reps/House Demo	17,894.30
Jones Plumbing & Heating, Inc.	WR Supplies	75.75
Lauby, Tracy	EMS Travel Expense	84.36
League of Nebraska Municipalities	Midwinter / Snowball Conferences	2,215.00
Lerner Publishing Group	Library Book	16.95
Lexington Animal Clinic	Animal Care	971.80
Lexington Area Solid Waste Agency	Landfill	673.20
Lexington Family Eyecare	Safety Glasses	448.00
Lexington Feeders Service	ST / PK Boots	271.51
Lexington Glass Co.	DTR Phase II / Chandler Bldg	6,350.00
Lexington Health Fund	Self-Funding	31,231.87
Lexington Newspapers, Inc.	Publications	862.18
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Wellness / Ambulance Supplies	480.00
Lexington, City of	Franchise Fees	82.84
Payroll	Wages	111,901.84
Social Security	Employer Portion / FICA Med	8,207.24
Union Bank & Trust	Employer Portion / Pension	3,849.14
Union Bank & Trust	Police Pension	1,649.28

ICMA	City Manager Pension	454.62
Linda's Stitches & Creations	ST / PK / WR Caps	226.80
Martin Electric, Inc.	Fire Dept Supplies	18.95
Matheson Tri-Gas Inc.	Ambulance Supplies	118.35
Matt Friend Truck Equipment	Central Garage Supplies	65.00
McCandless Backhoe, Inc.	Snow Removal	400.00
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	SW/WR/Cemetery/Central Garage Supplies	384.03
Meritain Health	Health Premium	23,225.19
Microfilm Imaging Systems, Inc.	Service Agreement	380.00
Mid-Nebraska Food Bank	Food	59.89
Midwest Door and Hardware	Door Hardware	264.00
Midwest Laboratories, Inc.	WWTP Testing / Supplies	557.20
Midwest Plastering & Construction	DTR Phase II / Chandler Bldg	6,400.00
Miller & Associates, Inc.	Pro Service / Adams Street Viaduct	722.50
Morris Press	GGC Service	73.00
Mountain Plains Library Association	Membership Dues	65.00
Municipal Automation & Control	WWTP Pump	2,342.18
Municipal Supply	WR Supplies	325.55
Municode	Municipal Code Service	2,925.00
Nebraska Assigned Risk Pool	Fire Dept Work Comp Audit	2,052.00
NE Assoc/Co Engineers, Hwy Super, Surv	Membership Dues	20.00
Nebraska Dept. of Revenue	Sales & Use Tax	53,161.48
Nebraska Machinery	Central Garage Supplies	430.76
Nebraska Public Health Environmental Lab	WR Testing	926.25
Nebraska Public Power District	O & M	65,000.00
Nebraska Public Power District	Power Purchase	1,016,283.04
Nebraska Public Power District	Lex N ACB 106 13.8kV Conversion	107,712.06
Nebraska Tech & Telecomm, Inc.	Telephone Service	947.53
Nebraskaland Tire	Fire Dept / Ambulance Service & Repair	942.96
OCLC, Inc.	Library Subscription	22.06
Oprah Magazine, The	Library Subscription	32.97
Overton Sand and Gravel	Sand / White Rock	351.56
Paulsen, Inc.	Concrete	649.52
Plum Creek Cleaners	Rug Service	306.50
Plum Creek Market Place	Food & Supplies	90.14
Price's Tree Service	Snow Removal	1,500.00
Principal	Dental Premium	1,860.56
Randy's Body Shop	Towing Expense	100.00
Rasmussen Mechanical Services, Inc.	Library Service	1,157.50
Republican Valley Library System	Library Workshop	15.00
Roberts Dairy Company	Beverages	253.89
S & W Auto Parts, Inc.	Central Garage Supplies	297.75
Scholastic Library	Library Books	152.10
Service Master Mid Nebraska	Cleaning Service	4,114.12
ShopSmart	Library Subscription	12.00
Source Gas, LLC	Gas Service	8,207.20
Statewide Collections LLC	Collection Fees	810.70
Svoboda, Bernard	EL Incentive Program	232.35
T. O. Haas Tire Co., Inc.	Tire Repair	233.70
Team Detail & Quicklube	Uniform Expense / Car Washes	119.96
Thalman, Julie	Cleaning Service	160.00
Thompson Co., The	Food & Supplies	1,813.51
Tri-City Tribune	Publications	96.00
U-Save Business Equipment	Fire/Business Ofc/ST/Bldg Insp Supplies	669.85
Union Bank and Trust	Fire Pension	19,500.00
University of Nebraska Omaha	Tuition / Brecks	2,486.50

Utility Service Co., Inc.	WR Tower Maintenance	38,648.27
Verizon Wireless	Cellphone Service	127.28
Village Uniform	GGC Supplies	153.62
Wal-Mart	Supplies	1,231.62
Ward Laboratories, Inc.	WR Testing	62.00
Zoll	Maintenance Fees	112.35
Barmore Drug Store, Inc.	WWTP Supplies	59.99
BTS of North Platte, Inc.	Service Bldg Phone Service	276.00
Cash-Wa Distributing	Food & Supplies	766.56
Egan Supply Company	DC Opportunity Center / ST Supplies	402.12
Health Claims Fund	Claims	3,436.48
Konica Minolta Business Solutions	Municipal Bldg / Police / Library Copies	777.61
Lerner Publishing Group	Book	22.60
Linda's Stitches & Creations	Bldg Insp Shirts	398.12
Mid-Nebraska Food Bank	Food & Supplies	19.77
Mid-State Units	Rental	80.00
Midland Scientific, Inc.	WWTP Testing Supplies	73.61
Nebraska Library Association	Registration Fee	40.00
Randy's Body Shop	Towing Expense	250.00
Roberts Dairy Company	Beverages	66.52
Sargent Drilling Co.	Well #11 EL Motor Repair	3,276.07
Subway @ Wal-Mart	Meals	31.30
Taste of Home Books	Library Book	30.98
U-Save Business Equipment	Library / ST Supplies / Postage	146.49
Wal-Mart	Supplies	84.28
	<b>TOTAL CLAIMS:</b>	<b>1,688,485.12</b>

**ORDINANCE:**

Ordinance No. 2312 was tabled for further revisions.

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider a special use permit application from Dawson County Agricultural Society for Trailer (Camper) Park development on the north side of the Dawson County Fairgrounds. Brecks gave a PowerPoint presentation that outlined the plan for the development and a review of the code compliance. Dave Jewett noted that a record of space rental will be kept to assist the fairgrounds personnel, police and fire personnel in case of emergencies. There being no further comments, the public hearing was closed. Moved by Miller, seconded by Bennett, to approve the application and authorize the City staff to execute a special use agreement with the applicant. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 2012-02 was presented. Pepplitsch explained that the resolution authorizes the submission of a \$300,000 grant application under the Rural Economic Development Loan and Grant program, and approval of re-use program guidelines associated with the program. The initial grant would be loaned to a non-profit organization to assist in the purchase of a speculative building. As the building is subsequently sold or leased, the repaid loan funds would be available for future projects. Following discussion and input from Jen Wolf, moved by Miller, seconded by Tomasek, to approve Resolution No. 2012-02 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 2012-02**

WHEREAS, CITY OF LEXINGTON is submitting an application for a \$300,000 Rural Economic Development Grant which will establish a revolving

loan fund for the purpose of sustaining rural economic development and job creation projects; and

WHEREAS, CITY OF LEXINGTON is committing \$60,000 from its economic development funds to meet the matching dollar requirements for creating a revolving loan fund, and these matching funds will remain in the newly created revolving loan fund; and

WHEREAS, the Dawson Area Development of Lexington, Nebraska is the recipient for the initial 0% interest loan for ten years, and with a deferred initial payment, for the purchase of an industrial building to be marketed as a speculative building to attract new jobs and investment to Lexington, Nebraska; and

WHEREAS, CITY OF LEXINGTON is an eligible Rural Utility Service borrower and is therefore eligible to participate in the Rural Economic Development Grant & Loan Program and has legal authority under its Charter to enter into a grant agreement in accordance with the provisions of 7 CFR Part 4280.

NOW, THEREFORE BE IT RESOLVED, that the City Council agrees to the provisions of the USDA regulations including all subparts of the Grant agreement and authorizes the City Manager to represent the city on all commitments and management of the application;

BE IT FURTHER RESOLVED, that the City Council does hereby certify that the project does not violate 4280.27 regarding ineligible purposes and 4280.30 regarding restrictions on the uses of REDG and REDL funds of 7 CFR Part 4280 and that there is not conflict of interest, potential conflict of interest, or appearance of a conflict of interest known by the City of Lexington; and,

BE IT FURTHER RESOLVED, that the City Manager and/or City Treasurer be empowered and authorized to requisition grant funds under the program; and,

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute and deliver on behalf of the City of Lexington the certification Form AD-109, regarding a drug-free workplace program; and

BE IT FURTHER RESOLVED, that the appropriate staff be authorized and directed to prepare and execute the necessary documents and certifications in order to carry out the intent of this resolution, subject to review and approval of Rural Business and Cooperative Development Service loan documents by the City of Lexington or its agent, and further subject to other governing documents deemed necessary by the City of Lexington or its agent at their sole discretion, with such documents prepared by counsel.

BE IT FURTHER RESOLVED, that the CITY OF LEXINGTON City Council hereby adopts the proposed City of Lexington Rural Development Plan and Scope of Work;

PASSED AND APPROVED this 14th day of February, 2012.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

Pamela Berke, City Clerk

**ASSESSMENTS:**

Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. John Woods, property owner, disputed a billing for a condemned mobile home in his mobile home park on North Adams Street. Bill Brecks explained the property maintenance abatement notice and billing process, stating that every attempt is made to contact the property owner on file and to work with owners on abatements. Peplitsch noted that this particular file can be reviewed with Staff. Following discussion, and there being no further public comment, the public hearing was closed.

An Ordinance entitled "AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2314 on first reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

**AGREEMENT:**

Peplitsch reviewed an agreement with Dawson Area Development to provide grant administrative services for EDA grant award #05-01-05211. He explained the procurement process for such services and noted EDA has concurred with the contract award. The total fee for the services is \$15,000, and within project budget. Following discussion, moved by Miller, seconded by Tomasek, to approve the contract and authorized the City Manager to execute the necessary documents. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

**AGREEMENT:**

Peplitsch reviewed a draft agreement with Olsson Associates for engineering services for the Downtown Revitalization (DTR) project. He noted that the draft needed slight amendment, but would like authorization to sign when he determines the scope of services is acceptable. Following discussion, moved by Tomasek, seconded by Miller, to authorize the City Manager to enter into an agreement with Olsson Associates for the DTR project. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Motion carried.

**AGREEMENT:**

Peplitsch reviewed a Construction Management and Lease Agreement with Lexington Public Schools and the Lexington Community Facilities Agency for the Lexington Middle School and High School Improvements project. Following discussion, moved by Bennett, seconded by Tomasek, to approve the agreement as presented and to authorize the Mayor to execute the necessary documents. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Fagot. Motion carried.

**RESOLUTION:**

Resolution 2012-03 was presented. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 2012-03. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 2012-03

A RESOLUTION APPROVING THE LVFD SERVICE AWARD PROGRAM CERTIFIED MEMBER LIST FOR CALENDAR 2011.

WHEREAS, the Lexington Volunteer Fire Department members must attain Certified status as defined by the LVFD Service Award Program in order to participate in the program.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, the following list of members have completed the certification requirements as determined by the Certification Administrator for calendar year 2011.

Ronald Balthazor	David Berke	Bo Berry
Jeffrey Block	Bruce Bonini	William Brecks
Robert Bullis	Alfred Copper	Gary Donnelson
Michael Dowling	Darrel Dutro	Matthew Fitzgerald
Douglas Glaze	Michael Gomez	Everett Hagan
Dahlas Holbein	Dale Holbein	Kent Jergensen
Ryan Johnson	Jeremy Kaiser	Richard Klauz
James Linch	Michael Maguire	Robert Martin
Seth McFarland	Troy Moore	Lance Olsen
Eldon Peck	Chad Reutlinger	Roger Reutlinger
Nicholas Reynolds	Jon Robles	Jerald Saulsbury
Kerry Tector	Blake Thorell	Eldon Wheeler
Brad Worthing	David Zlatkovsky	Frank Zlatkovsky

Passed and Approved this 14th day of February 2012.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**APPOINTMENT:**

Mayor Fagot proposed the appointment of Michael Maguire to the Board of Adjustment, to complete the term of Don Ziebell. Moved by Miller, seconded by Tomasek, to approve the appointment of Mr. Maguire to the Board of Adjustment. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

**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.

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City Clerk