

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 23, 2013, at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, and City Clerk Pamela Berke. The press was represented by Lexington Clipper-Herald, KRVN Radio, and Kearney Hub. Also in attendance were Dana Daniels, Miller & Associates; Deb Jensen, Dawson Area Development; Michele McKeone, Marlene Cohertero, and Maritza Pleitez, NNER.

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 City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 4-9-2013 Minutes of the Regular meeting held Tuesday, April 9, 2013, were presented for Council approval. Moved by Vivas, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

MINUTES – WORK SESSION 4-20-2013 Minutes of the Work Session held Saturday, April 20, 2013 were presented for Council approval. Moved by Miller, seconded by Roberts, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$588,795.45 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$286,422.57 from the General Fund, \$37,662.09 from Street Fund, \$26,096.66 from TIF, \$181,604.39 from LEXUS, \$29,295.92 from Sanitation, \$246.12 from Ambulance, \$23,695.30 from Health Fund, and \$3,772.40 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 23, 2013

AFLAC	Premium	1310.12
Allrecipes Magazine	Library Subscription	12.66
Assn of State Floodplain Managers, Inc.	Membership Dues	110.00
Axis Capital, Inc.	Mail Machine Payment	840.00
Beehive Industries	Signs/Stormwater License/Maint	8,000.00
Business Card		
logmein.com	Software Renewal	249.00

KBKS Invest LLC	Fuel	64.89
The Cool House Plans	CED House Plans	800.00
Association of Aquatic Professionals	Membership Dues	40.00
World Waterpark Association	Membership Dues	42.00
American Chamber Commerce Resources	Clerk Supplies	280.00
Progress Business Executive Education	Webinar	199.00
Thompson Publishing Group	Webinars	398.00
UN School of Public Administration	Awards Luncheon	100.00
Card Center/Orscheln	WR/EL/ST/Cem/SW/Fire Spls	708.43
Cash-Wa Distributing	Food & Supplies	595.75
Central Garage Fund	Service / Repairs	4,609.18
Davis Energy, Inc.	Fuel	5,580.75
Dawson County Court	Court Fees	17.00
Demco	Library Supplies	70.14
DXP Enterprises, Inc.	WWTP Supplies	367.86
Exchange Bank	Copier Payments	1,195.44
Fairbanks International, Inc.	WWTP Supplies	66.10
Gale Group, The	Library Books	166.68
Gothenburg State Bank	Monthly EPS Pmts	2,320.41
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Food	192.09
HD Supply Waterworks	WR Meter Supplies	4,440.26
Health Claims Fund	Claims	8,278.60
Holbein, Dahlas D.	Fire Dept Maint/Cleaning Service	1,000.00
Ingram Library Services	Library Books	424.95
Intellicom Computer Consulting, Inc.	Computer Service	19.99
John Deere Financial	Central Garage Supplies	11.32
Lawson Products, Inc.	Central Garage Supplies	138.96
Lexington Housing Authority	EL Rebate	900.00
Lexington Newspapers, Inc.	Publication	225.35
Lexington Truck & Auto, Inc.	Central Garage Supplies	41.00
Lexington Utilities System	Utilities	34,976.70
Lexington City Payroll Account		
Payroll	Wages	114,900.13
Social Security	Employer Portion / FICA Med	8,476.07
Union Bank & Trust	Employer Portion / Pension	3,807.36
Union Bank & Trust	Police Pension	1,910.65
ICMA	City Manager Pension	470.77
Linda's Stitches and Creations	ST / PK / WR Supplies	379.05
Lynn Peavey Company	Police Supplies	55.80
Martin Electric, Inc.	Central Garage Supplies	9.90
Mead Lumber & Rental-Lexington	Central Garage/ST/BI Spls	45.63
Mersino Dewatering, Inc. System	Installment / Removal / Rent	25,850.00
Michael Todd & Co., Inc	ST / Cem / WR Supplies	332.34
Midland Scientific, Inc.	WWTP Testing Supplies	693.85
Miller & Associates, Inc.	East Viaduct PJ	6,639.44
Mr. Automotive	Central Garage / Amb Supplies	28.93
Municipal Supply	WR Meter Supplies	6,668.92
Nebraska Machinery	Central Garage Supplies	215.78
NE Public Health Environmental Lab	WR Testing	2,718.25
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,070.73
O'Hara Lindsay and Associates, Inc.	Lobbying Svcs/Registration Fee	1,866.66
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	687.75
Price's Tree Service, Inc.	PK Tree Stump Removal	675.00
Rainbow Book Company	Library Books	2,284.83
Ramirez, German	EL Rebate	900.00
Roberts Dairy Company	Food & Beverages	215.32

Run-N-Iron	Police Supplies	36.00
S & W Auto Parts	Central Garage/St/WR Supplies	393.65
Service Master Mid Nebraska	Cleaning Service	4,741.00
Steve's Lock & Key	Batting Complex Repair	340.80
TASC - Client Invoices	Fees	183.96
Thompson Co., The	Food	1,549.66
USI Education and Government Sales	Clerk Supplies	35.00
Village Uniform	GGC Supplies	50.20
Vision Internet Providers, Inc.	Monthly Hosting Fee / Service	2,435.50
Wal-Mart	Supplies	306.24
Berni & Pat's Custom Frame Shop	Tree Board Expense	65.79
Books Galore, Inc.	Library Books	2,770.78
Center Point Large Print	Library Books	85.08
Community Development Agency	Prop Taxes-TIF Area 1&2/Blessing Inv	26,096.66
	Library Subscription	24.99
Crafts'N Things	Fire Dept Uniform Expense	257.97
Danko Emergency Equipment Co.	Sanitation Fees	29,295.92
Dan's Sanitation, Inc.	Postage	1,500.00
Data-Pac Mailing Systems	Library Supplies	233.47
Eakes Office Plus	ST Supplies	163.55
Fastenal	ST Supplies	536.44
Grainger	CED Addition	46,607.65
Great Western Bank	Meals/Postage/Uniform Exp/Fees	71.37
Great Western Bank-City Petty Cash	Claims	13,922.62
Health Claims Fund	DCOC Phase III	109,723.04
Home Federal Savings	ST / PK / Cem / WR Supplies	378.12
Hunt Cleaners, Inc.	Franchise Fees	71,790.59
Lexington, City of	Food	18.95
Madeline's Café	Library Supplies	4.41
Mead Lumber & Rental-Lexington	Library Books	157.95
MicroMarketing, LLC	WWTP Testing Supplies	54.52
Midland Scientific, Inc.	Library Subscription	17.95
National Geographic Little Kids	Library Subscription	19.95
National Wildlife Federation	Conference Registration	170.00
Nebraska Planning and Zoning Assn	Mo Maint/Radio Install/Battery	332.51
Platte Valley Communications of Kearney	Surveying	400.00
Ripp, Jake	Police Supplies	62.98
S & W Auto Parts	Consult / Setup / Training	12,930.31
Tyler Technologies, Inc.	Ammunition	102.00
Ultramax	Cellphone Service	365.75
Verizon Wireless	Library Subscription	448.40
Wall Street Journal, The	Supplies	317.93
Walmart		
	TOTAL CLAIMS:	588,795.45

RESOLUTION:

Resolution No. 2013-09 was presented. Pepplichtsch reviewed Supplemental Agreement No. 1 with NDOR for the 6th Street Project. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2013-09 as presented. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-09

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT
NO. 1 – BM1109
CITY OF LEXINGTON, NEBRASKA

Whereas: City of Lexington and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BL1109 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Lexington understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Lexington and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

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

John Fagot, Mayor of the City of Lexington, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Lexington and the NDOR.

City of Lexington is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: URB-6552(1)
NDOR Control Number: 61554
Project Location: 6th Street, Grant – Taft

Adopted this 23rd day of April, 2013, at Lexington, Nebraska.

The City Council of the City of Lexington, Nebraska.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a CDBG grant application for the “Save the Majestic” Renovations project. Michele McKeone, along with members of the National Network for Educational Renewal (NNER) committee, gave an overview of the project. Deb Jensen, DAD, reviewed the CDBG application and budget. Following public comments, Mayor Fagot closed the public hearing.

Resolution No. 2013-10 was presented. Moved by Miller, seconded by Roberts, to approve Resolution No. 2013-10 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR CDBG FUNDS**

Whereas, the City of Lexington, Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City of Lexington, Lexington, Nebraska, has obtained its citizens’ comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public

comment respecting the application for an amount of \$307,900 for Lexington Public Schools Majestic Theater Project; and,

NOW, THEREFORE, BE IT RESOLVED BY

Lexington City Council of the City of Lexington, that Joe Peplitsch, City Manager, be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

John Fagot
Mayor, City of Lexington

RESOLUTION:

Resolution No. 2013-11 was presented. Peplitsch explained the intent of the resolution is to confirm the previous blight determination for Redevelopment Area #3. This determination is a requirement of the CDBG application for the Majestic Theatre project. Following discussion, moved by Salem, seconded by Vivas, to approve Resolution No. 2013-11 as presented. Roll call. Voting “aye” were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-11

WHEREAS, the City of Lexington, Nebraska, a municipal corporation and city of the first class, has determined it to be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be blighted and in need of redevelopment: and

WHEREAS, the City has previously declared an area of the City to be blighted and in need of redevelopment, and

WHEREAS, the City of Lexington, Nebraska (the “City”), intends to apply for certain Community Development Block Grant (“CDBG”) funds from the Nebraska Department of Economic Development (the “Department”), and

WHEREAS, in order to apply for CDBG funds, the Department requires that a blight declaration for portions of the City impacted by the CDBG funds be updated at least once every ten years;

NOW, THEREFORE, be it resolved by the City Council of the City of Lexington, Nebraska:

1. The City Council hereby finds and determines that slum and blight conditions continue to exist in the area described on attached Exhibit A.

Passed and approved this 23rd day of April, 2013.

City of Lexington, Nebraska

John Fagot, Mayor

Pamela Berke, City Clerk

ORDINANCE:

An Ordinance entitled “AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.” was presented. 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 Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2330 was presented on Final reading. Moved by Miller, seconded by Vivas, to approve Ordinance No. 2330 on final reading. Roll call. Voting "aye" were Roberts, Salem, Vivas, Miller, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels reviewed close out documents for the Southeast Business Park Improvement project. The documents included Change Order #2, Pay Request #4-Final, and the Certificate of Substantial Completion. Moved by Salem, seconded by Roberts, to approve the Change Order #2 as presented. Roll call. Voting "aye" were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.

Moved by Miller, seconded by Salem, to approve Pay Request #4-Final as presented. Roll call. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

Moved by Salem, seconded by Roberts, to approve Certificate of Substantial Completion as presented. Roll call. Voting "aye" were Vivas, Miller, Roberts, Salem, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch presented a financial report for March 2013. Moved by Miller, seconded by Vivas, to accept the financial report as presented. Roll call. Voting "aye" were Roberts, Salem, Vivas, Miller, Fagot. Motion carried.

ROUNDTABLE DISCUSSION:

Peplitsch discussed potential dates for a Council work session in May.

Burnside reported on scheduled activities for Arbor Day and announced that the Police Department is a sponsor of a prescription drug take back day on Saturday, May 27, at the hospital.

Salem congratulated Mayor Fagot on being awarded the Elected Official of the Year by the Nebraska Chapter of the American Society of Public Administration.

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