

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 25, 2007, 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 Mayor John Fagot, Steve Tomasek, Joni Bennett, and Linda Miller. John Salem was absent. City Officials present were City Manager Joe Pappalardo, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy City Clerk Pam Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Deb Jensen, Dawson Area Development, was also present.

**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 – PLANNING MEETING 9-8-07** Minutes of the Planning session held Saturday, September 8, 2007, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Fagot. Motion Carried.

**MINUTES – REGULAR MEETING 9-11-07** Minutes of the Regular meeting held Tuesday, September 11, 2007, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Tomasek, Bennett, Fagot. Motion Carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$492,234.40 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$246,919.12 from the General Fund, \$4,042.50 from ED Reuse, \$26,207.52 from Housing Reuse, \$142,404.81 from LEXUS, \$24,224.10 from Sanitation, \$2,329.08 from Ambulance Fund, \$23,352.24 from Library Memorial Fund, \$18,081.83 from Health Fund, and \$4,673.20 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
September 25, 2007

AFLAC	Premium	975.46
All Points Cooperative	Fuel	57.08
Alltel	Cellphone Service	199.98
B & D Office City	Office Supplies	475.84
Bob's Auto Repair & Service	Central Garage Repair	1,125.23

Boerkircher's Inc.	GGC Chair	465.00
Business Card	WR Supplies	117.00
Card Center/Orscheln	Supplies	151.88
Cash-Wa Distributing	Food & Supplies	1,309.80
Clean Harbors Environmental Services, Inc.	Disposal of Oil	3,562.50
Centaur Enterprises, Inc.	PK Supplies	38.52
Central Garage Fund	Repairs/Service	5,669.98
Central Tire & Tread	WWTP Supplies	26.74
Certified Laboratories	Central Garage Supplies	277.65
Davis Energy, Inc.	Fuel/Propane	5,053.15
Dawson County Court	Court Fees	20.00
Doran Post & Associated, Inc.	Notary Renewals	80.00
Downey Drilling, Inc.	ST Repair/Service	566.00
Dugan Business Forms	Office Supplies	1,239.81
Eakes Office Plus	Office Supplies	13.32
EDM Equipment Company	Central Garage Supplies	727.00
Eilers Machine & Welding	Central Garage Supplies	64.80
Electric Fixture	EL/WR Supplies	998.71
Fagot Refrigeration & Electric	Service/Repair	735.19
Farmer Brothers Coffee	Food	104.13
Fireguard, Inc.	Fire Dept. Supplies	216.58
FYR-TEK	Fire Dept. Supplies	13.79
Gale Group, The	Books	44.14
Great Plains One-Call Service	Locates	78.06
Health Claims Fund	Claims	12,964.95
Heartland Scuba Center	Conference/Seminars	2,086.00
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Holmes Plbg & Htg Supply Co.	WR Supplies	88.86
Holtz, Marcia	Conference/Seminars	20.00
Husker Ag Sales	PK Repairs	247.98
Huskies Illustrated	Subscription	51.95
International Assoc. of Electrical Inspectors	Registration Fee	135.00
Ingram Library Services	Books	265.03
Jim Phillips Const.	ST Repair	698.00
Jones Plumbing & Heating	Repair	52.50
Lexington Newspapers, Inc.	Publications	615.57
Lexington Public Schools	Conference/Seminars	10.00
Lexington True Value	Fire Dept. Supplies	52.43
Lexington Utilities System	Utilities	21,008.07
Payroll	Wages	93,250.72
Social Security	Employer Portion / FICA Med	6,904.93
First National Bank	Employer Portion / Pension	3,025.37
First National Bank	Police Pension	1,474.49
ICMA	City Manager Pension	380.00
Lien Lawn Services	Lawn Care	800.00
Manager's Edge	Subscription	127.00
Matt Friend Truck Equipment	Central Garage Supplies	110.00
Mead Lumber & Rental-Lexington	ST/WWTP/Central Garage Spls	361.29
Michael Todd & Co., Inc.	ST Supplies	654.26
Mid-Nebraska Printing	GGC Supplies	104.65
National Imprint Corp.	Office Supplies	96.01
Nebr. Conf of Bldg Officials & Inspectors	Registration Fee	100.00
Nebraska Dept. of Economic Development	Orthman's CDBG Payment	4,042.50
Nebraska Dept. of Revenue	Waste Reduction & Recycling Fee	25.00
Nebraska Library Commission	Library Supplies	27.90
Nebraska Municipal Clerks Association	Membership Dues	35.00
Nebraska Public Health Environmental Lab.	WR Testing	2,500.00

Nebraska Secretary of State	Notary Services	60.00
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete	583.43
Pepplitsch, Joe	Conference/Seminars	182.71
Perez, Nayeli A.	Utility Refund	6.19
Pinnacle Bank	Street Sweeper Payment	19,806.25
Platte Valley Auto Mart	Central Garage Supplies/Police Car	11,713.32
Plum Creek Cleaners	Supplies	158.50
Plum Creek Market Place	Food	46.68
Plum Creek Promotions	Soccer T-shirts	216.00
Precision Industries	WWTP Supplies	329.04
Quill Corporation	Library Supplies	89.70
Roberts Dairy Company	Beverages	211.61
S & W Auto Parts, Inc.	Central Garage Supplies	1,409.43
Schultz, Edna	Conference/Seminars	33.95
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,027.50
Sign Pro	Library Signs	229.50
Simmerman Electric	WWTP Service	732.34
Stobbe Welding	PK Repairs	700.00
Subway Sandwiches & Salads	Food	39.46
Summit Supply Corporation	PK Table Frames	3,631.00
Team Detail & Quicklube	Car Washes	43.98
Thompson Co., The	Food & Supplies	1,126.26
TierOne-Lib. Petty Cash	Postage	33.76
U-Save Business Equipment	WR/ST/EL Supplies	404.46
Utility Equipment	WR Supplies	705.53
Vetronix, Inc.	Fire Dept. Supplies	22.50
Von Holtzbrinck Publishing Services	Book	215.83
Wal-Mart	Supplies	505.12
Weathercraft Companies	Fire Dept. Repair	446.00
Wilson Bohannan Padlock Company, The	PK Supplies	61.50
All Points Cooperative	WWTP Supplies	212.01
Business Card	Fuel	31.20
Card Center/Orscheln	Supplies	89.99
Cash-Wa Distributing	Food & Supplies	456.25
Dan's Sanitation	Sanitation Fees	24,224.10
Dawson Area Development	Able Housing Project	25,843.66
Fifth Street Automotive	Repairs	744.51
Fisher Scientific	Testing Supplies	515.94
Fox Brothers Hay Co. Inc.	Tree Grinding	3,786.90
Gnirk Lawn Care, Inc.	Lawn Care	1,070.00
Hach Company	Testing Supplies	450.30
Health Claims Fund	Claims	4,141.42
Ingram Library Services	Books	186.57
Lexington, City of	Franchise/Service Fees	66,611.92
Lexington Foundation	Library Memorial Transfer	23,352.24
Lexington Housing Authority	N. Tyler Project	343.35
Lexington Public Schools	Refund	5,780.00
Payroll	Wages	88,383.91
Social Security	Employer Portion / FICA Med	6,538.96
First National Bank	Employer Portion / Pension	2,842.56
First National Bank	Police Pension	1,366.04
ICMA	City Manager Pension	380.00
M E Sharpe	Books	135.75
McCooknet Internet Service	Service Contract	4,840.00
Mead Lumber & Rental	Cement	34.16
Miller & Associates	Retainer Fee	800.00

NLA/NEMA	Library Conference	137.00
Plum Creek Market Place	Food	27.63
Plum Creek Promotions	Recreation Supplies	815.40
Precision Industries	Supplies	300.92
Rasmussen Mechanical Service Corp.	Library Service	3,920.33
Roberts Dairy Company	Beverages	82.85
Super 8 Motel - Scottsbluff	Conference	102.60
TierOne-City Petty Cash	Postage/Food/Fuel	88.85
TierOne-Library Petty Cash	Postage	6.38
U-Save Business Equipment	Postage	4.60
Wesco Distribution, Inc.	ST Supplies	141.75
	<b>SUBTOTAL CLAIMS:</b>	<b>492,234.40</b>

**PUBLIC HEARING:**

Mayor Fagot opened the Public Hearing to consider applications for Nebraska Affordable Housing Program funds and Community Development Block Grant Program funds. Deb Jensen, DAD Community Development Coordinator, explained that the Department of Economic Development has set aside \$100,000 for owner occupied housing rehabilitation that would potentially rehab 6 homes within Lexington. This application would notify the DED that Lexington is interested in continuing housing rehabilitation efforts. She then explained that the second application is for a public works program that would be used to reconstruct sections of Monroe Street from 3<sup>rd</sup> Street to 9<sup>th</sup> Street. The public hearing was closed.

**RESOLUTION:**

Resolution No. 07-30 was read by title. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 07-30. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 07-30**

A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR NE AFFORDABLE HOUSING PROGRAM FUNDS

WHEREAS, the City of 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, Cranston-Gonzalez National Affordable Housing Act of 1990 (Home Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$100,000 for Lexington Owner-Occupied Housing Rehabilitation Program; and,

NOW, THEREFORE, BE IT RESOLVED BY the Lexington City Council of the City of Lexington, that Mayor John Fagot 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.

PASSED AND APPROVED THIS 25th DAY OF SEPTEMBER, 2007.

John Fagot, Mayor

ATTEST: Joe Peplitsch, City Clerk

**RESOLUTION:**

Resolution No. 07-31 was read by title. Following discussion, moved by Bennett, seconded by Miller to approve Resolution No. 07-31. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Fagot. Motion carried.

**RESOLUTION NO. 07-31**

**A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR CDBG FUNDS**

WHEREAS, the City of 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, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$250,000 for Street Improvements to Monroe Street from 3rd to 9th Street; and,

NOW, THEREFORE, BE IT RESOLVED BY the Lexington City Council of the City of Lexington, that Mayor John Fagot 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.

PASSED AND APPROVED THIS 25th DAY OF SEPTEMBER, 2007.

John Fagot, Mayor

ATTEST: Joe Peplitsch, City Clerk

**CHANGE ORDER:**

Peplitsch presented Council with Change Order #1 for the WWTF Secondary Digester Services project for consideration. Following an update of the project and discussion, moved by Miller, seconded by Bennett, for approval of Change Order #1 for the WWTF Secondary Digester Services project. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch presented Council with Pay Request #2-Final from Liquid Waste Management Inc. for the WWTF Secondary Digester Services project in the amount of \$25,704.51. Moved by Bennett, seconded by Tomasek, to approve Pay Request #2 from Liquid Waste Management in the amount of \$25,704.51. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Fagot. Motion carried.

**CERTIFICATE OF SUBSTANTIAL COMPLETION:**

Peplitsch requested Council consideration of the Certificate of Substantial Completion on the WWTF Secondary Digester Services project. Moved by Miller, seconded by Bennett, to approve of Certificate of Substantial Completion for the WWTF Secondary Digester Services project. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

- ORDINANCE:** Burnside presented an ordinance establishing the regulation of street vendors. Following discussion, Staff was directed to make suggested changes and bring the ordinance back for consideration at a later date.
- FINANCIAL REPORT:** Peplitsch presented the financial report for August 2007. Following discussion, moved by Miller, seconded by Tomasek, to accept the financial report as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.
- PLANNING SESSION DATE:** Council discussed dates for a Planning Session. Moved by Tomasek, seconded by Miller, to set a planning session for Saturday, October 27, 2007, at 8 am in City Council Chambers. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Motion carried.
- ROUNDTABLE:** Peplitsch reported that kickoff meetings for the rural viaduct study were held on Monday, September 24, with members of the council subcommittee, county commissioners, city staff and other stakeholders. A public meeting is set for October 11, 2007, from 5-7 pm for public input. Peplitsch noted that he would be sending 5-year budget projections to the council members for their review. He also mentioned the receipt of a purchase option agreement from Cornhusker Energy Lexington for property south of the WWTF.
- 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