

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 22, 2008, 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, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present was Jen Wolf, DAD Executive Director.

**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 4-08-08** Minutes of the Regular meeting held Tuesday, April 8, 2008, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$493,535.94 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$158,095.50 from the General Fund, \$35,799.75 from Cemetery Fund, \$106,194.51 from Economic Development, \$146,630.04 from LEXUS, \$25,515.13 from Sanitation, \$330.34 from Ambulance Fund, \$13,216.74 from Health Fund, and \$7,753.93 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
April 22, 2008

AFLAC	Premium	844.16
Alamar Uniform Co.	Uniform Expense	123.56
Alltel	Service	52.31
Arrow Seed Company, Inc	PK Supplies	529.00
Audio Editions	Books	39.98
Bob's Auto Repair & Service	Police/WR Repairs	848.50
Brownells, Inc.	Police Supplies	167.29
Business Card	Supplies	247.17
Card Center/Orscheln	WR/WWTP Supplies	257.65
Cash-Wa Distributing	Food & Supplies	838.45

Clean Harbors Environmental Services, Inc.	Oil Disposal Fees	7,218.54
Cook's Illustrated	Book	23.90
Dan's Sanitation	Sanitation Fees	220.00
Dangler, Clark	CDL	55.00
Davis Energy, Inc.	Fuel	5,182.55
Dawson County Handibus	Transportation	20.00
Dawson County Public Power	Power Purchase/ST Light Install	7,371.46
Deeter Foundry, Inc.	WWTP Supplies	606.00
Electric Fixture	Cemetery/ST Supplies	21.51
EZ Liner Industries	ST Supplies	499.11
Farmer Brothers Coffee	Food & Supplies	165.87
Fastenal	PK/WWTP Supplies	37.21
Fisher Scientific	WWTP Supplies	271.64
G & V Inc.	PK Service	150.00
Gale Group, The	Books	130.59
Galls, Inc.	Police Supplies	187.52
Health Claims Fund	Claims	9,098.02
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Husker Ag Sales	Repair	47.34
Ingram Library Services	Books	118.54
International Municipal Lawyers Assn	Membership	455.00
Jim Phillips Construction	New WR Main-Adams ST	1,676.00
Johnson Jewelry, Inc.	Fire Supplies	175.00
Lexington Area Solid Waste Agency	Landfill	2,205.36
Lexington Newspapers	Publications	20.44
Lexington Public Schools	Seminars	10.00
Lexington True Value	Lib/Rec/Cemetery Supplies	86.17
Linden's Plumbing	Cemetery Service	35.00
Lynn Peavey Company	Police Supplies	74.50
Mead Lumber & Rental-Lexington	WWTP/Aquatic Center Supplies	408.75
Mid-Nebraska Printing	Supplies	8.77
Midlands Contracting, Inc.	SW Repair-15th & Erie	10,990.02
Miller & Associates	Professional Services	1,726.55
Municipal Supply	WR Supplies	3,009.75
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,279.04
Neopost	Postage	1,500.00
Office Depot	Supplies	160.55
Olsson Associates	EL Rate Study	1,175.00
Oriental Trading Company, Inc.	Supplies	53.65
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete/Gravel	598.24
Plum Creek Cleaners	Supplies	524.14
Plum Creek Market Place	Food	87.81
Reutlinger, Roger	Certification	80.00
Roberts Dairy Company	Beverages	172.10
Rodale Inc.	Book	39.94
S & W Auto Parts, Inc.	WWTP/ST/Cemetery Supplies	85.71
Sargent Drilling Co.	Reset Pump at Well #16	14,956.10
Service Master Mid Nebraska	Lib./GGC Cleaning Service	2,047.50
Sterling West	PK Supplies	3,594.90
Sund, Dennis	Boots	13.48
T. L. Sund Constructors, Inc.	Memorial PK Shelter	32,000.00
T. O. Haas Tire Co., Inc.	Tires/Repair	703.42
TASC	Premium	174.80
Taste of Home Books	Book	30.99
Thompson Co., The	Food & Supplies	1,613.56
TierOne-Lib. Petty Cash	Postage/Supplies/Food	46.85

U-Save Business Equipment	Supplies/Postage	139.24
Ultramax	Ammunition	1,116.00
Wal-Mart	Supplies	717.26
All Points Cooperative	Fuel	60.47
Alltel	Service	147.51
Barmore Drug Store, Inc.	Ambulance Supplies	99.87
Cash-Wa Distributing	Food & Supplies	541.52
Dan's Sanitation	Sanitation Fees	26,505.13
Dawson County Handibus	Transportation	26.00
Electric Fixture	Fire Dept. Supplies	4.69
EZ Liner Industries	Central Garage Supplies	198.53
Farmer Brothers Coffee	Food & Supplies	141.31
Galls, Inc.	Uniform Expense	707.79
Hach Company	Testing Supplies	248.03
Health Claims Fund	Claims	3,024.76
Ingram Library Services	Books	898.42
K Lawn	Lawn Service	85.23
Kirkham Michael	Rural Viaduct Study	2,250.00
Lexington, City of	Fund Transfers	35,799.75
Lexington, City of	Franchise Fees	43,144.07
Payroll	Wages	98,669.10
Social Security	Employer Portion / FICA Med	7,310.94
First National Bank	Employer Portion / Pension	3,300.61
First National Bank	Police Pension	1,551.09
ICMA	City Manager Pension	380.00
Lexington Newspapers	Publications	207.77
Lexington True Value	Fire Dept./ST Supplies	32.51
Lexington Utilities System	Utilities	24,372.88
Mead Lumber & Rental-Lex	PK/Cem. Supplies	395.59
Menards-Kearney	Fire Dept. Supplies	82.27
MES-MIDAM	Fire Dept. Supplies	1,230.00
Mid-Nebraska Printing	GGC Supplies/Binding Machine	244.16
Miller & Associates	Retainer	800.00
Naumann, Sondra	Cleaning Service	177.00
Nebraska Public Power Dist/Dawson Canal	Coverage Pump & Tap	4,132.80
Nebraska State Recycling Association	Membership	250.00
Plum Creek Market Place	Food	7.77
R. C. Booth Enterprises	Book	25.00
Roberts Dairy Company	Beverages	89.50
S & W Auto Parts, Inc.	WWTP Supplies	16.39
State Wide Collections	Collection Fees	427.95
T. O. Haas Tire Company, Inc.	Tires	83.09
Taste of Home	Book	28.98
Third Party Environmental, Inc.	Asbestos Removal	2,800.00
TierOne Bank	CEL Payment	106,194.51
TierOne-City Petty Cash	Postage/Food	30.17
TierOne-Lib. Petty Cash	Seminar	29.71
Tyler Technologies	Professional Services	6,344.38
U-Save Business Equipment	WWTP Supplies	46.28
W P C I	Policy Update	75.00
Wal-Mart	Supplies	202.95
	TOTAL CLAIMS:	493,535.94

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing for the Council to sit as a Board of Equalization to consider property assessments for property maintenance abatement fees. Peplitsch explained the process and the properties involved. The public hearing was closed following discussion.

**ASSESSMENTS:**

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 read. Following discussion, moved by Tomasek, seconded by Bennett, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2248 was read by title. Moved by Tomasek, seconded by Miller, to approve Ordinance No. 2248. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 08-11 was read. Following an update on the CED Addition project by Pepplitsch and further discussion, moved by Miller, seconded by Salem, to approve Resolution No. 08-11. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**RESOLUTION NO. 08-11**

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR THE CED ADDITION PHASE 1 INFRASTRUCTURE.

WHEREAS, the City of Lexington, Nebraska has entered into contracts for the construction of infrastructure (paving, sanitary sewer, storm sewer, water line) including amounts for contingency and engineering; and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of such construction; and

WHEREAS, the City is authorized by law to borrow funds to pay the cost of capital additions.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City of Lexington, Nebraska is hereby authorized to contract for financing with TierOne Bank, Lexington, Nebraska. The loan amount shall not exceed \$500,000.00.
2. That Joe Pepplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 22<sup>nd</sup> day of April 2008.

City of Lexington, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**GRANT APPLICATION:**

Jen Wolf presented a \$4,540.00 planning grant application for the Building Entrepreneurial Communities Act (BECA) program. She explained the grant proceeds would be used to build collaboration of 11 communities on a regional job training center. Following her presentation and discussion,

moved by Miller, seconded by Bennett, to approve sponsorship of the BECA planning grant application, to act as the fiscal agent of grant award, and to authorize the Mayor to execute the necessary documents. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 08-10 was read. Following information by Peplitsch and discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 08-10. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**RESOLUTION NO. 08-10**

RESOLUTION OF THE CITY OF LEXINGTON FINDING THAT THE ACQUISITION AND DEVELOPMENT OF UNDEVELOPED AND VACANT LAND IS ESSENTIAL TO THE PROPER CLEARANCE AND REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS AND IS A NECESSARY PART OF THE GENERAL COMMUNITY REDEVELOPMENT PROGRAM AND AUTHORIZING THE ACQUISITION OF THE SAME BY THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA.

WHEREAS, Section 18-2123 R.R.S provides that a Redevelopment Authority may acquire undeveloped land when the same is essential to the proper clearance or redevelopment of a substandard or blighted area; and

WHEREAS, the governing body of the City of Lexington has determined that the property described herein is necessary for the proper clearance and redevelopment of substandard and blighted areas within the City of Lexington; and

WHEREAS, the governing body determines that the acquisition of such an area is beneficial to the removal of blight and substandard conditions in redevelopment areas within the City; and

WHEREAS, the governing body has determined that it is in the best interests of the City and the Authority to acquire the real estate hereafter described;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. The governing body of the City finds that the following described lands are contiguous with the limits of the City; that said lands are vacant and undeveloped; are essential to the proper clearance or redevelopment of substandard or blighted areas; and are a necessary part of the general community redevelopment program of the city, to wit:

The East Twenty (E20) Acres of the South One-half of the Southeast Quarter of Section 17, Township 9 North, Range 21 West of the 6th P.M., Dawson County, Nebraska.

Section 2. The Community Redevelopment Authority of the City of Lexington is hereby authorized and directed to acquire and provide for the development and redevelopment of said lands according to the Community Development Law.

Passed and approved this 22nd day of April, 2008.

CITY OF LEXINGTON, NEBRASKA.

John Fagot, Mayor  
ATTEST: Pamela Berke, Deputy City Clerk

- PAY REQUEST:** Peplitsch requested Council approval of Pay Request #1 for the CED Addition Paving project, and gave a project update. Following discussion, moved by Salem, seconded by Miller, to approve Pay Request #1 in the amount of \$27,452.25 to Paulsen Inc for the CED Addition Paving project. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.
- PAY REQUEST:** Peplitsch requested Council approval of Pay Request #1 from Adams Construction for the NW Lexington Detention Cell project, and gave a project update. Moved by Bennett, seconded by Salem, to approve Pay Request #1 from Adams Construction in the amount of \$10,636.20 for the NW Detention Cell project. Roll call. Voting “aye” were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.
- PAY REQUEST:** Peplitsch requested Council approval of Pay Request #1 (final) from Midlands Contracting for the CED Addition Infrastructure Improvements project. Following discussion, moved by Miller, seconded by Tomasek, to approve Pay Request #1 (final) from Midland Contracting Inc in the amount of \$116,789.00 for the CED Addition Infrastructure Improvements project. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.
- CERTIFICATE OF SUBSTANTIAL COMPLETION:** Peplitsch requested Council approval of a Certificate of Substantial Completion for the CED Addition Infrastructure project. Following discussion, moved by Tomasek, seconded by Bennett, to approve the Certificate of Substantial Completion for the CED Addition Infrastructure Improvements project. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.
- FINANCIAL REPORT:** Peplitsch presented Council with the financial report for March 2008. Following discussion, moved by Salem, seconded by Miller, to accept the financial report for March 2008 as presented. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.
- EXECUTIVE SESSION:** Moved by Miller, seconded by Bennett, to retire into executive session at 6:12 pm for the purpose of completing a yearly evaluation of the City Manager’s job performance. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried. Fagot stated that the City Council will be retiring into executive session at 6:12 pm for the purpose of completing a yearly evaluation of the City Manager’s job performance.
- Moved by Salem, seconded by Miller, to adjourn closed executive session at 6:47 pm. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.
- ROUNDTABLE:** Peplitsch noted that the City has been invited to submit a final application for a 30,000 SF spec building by NDED; he will forward the project details to Council for further consideration. In addition, he gave an overview of collaborative efforts to plan the development of new soccer fields north of the Optimist Rec Complex.

Fagot reported on LASWA Board activities. He also briefly discussed his concern on new legislation requiring the fluoridation of drinking water.

**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