

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 8, 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 were Dana Daniels, Deb Jensen, Barry McFarland, and Max McFarland.

**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 3-25-08** Minutes of the Regular meeting held Tuesday, March 25, 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 \$1,191,195.36 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 \$264,645.36 from the General Fund, \$8,333.34 from ED Reuse, \$860,276.21 from LEXUS, \$10,000.00 from Sanitation, \$9,479.48 from Landfill, \$5,390.87 from Ambulance Fund, \$26,040.44 from Health Fund, and \$7,029.66 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
April 8, 2008

ABDO Publishing Co.	Books	92.70
All Points Cooperative	Fuel/Propane	296.91
Anderson Graphics	Lib. Supplies	11.55
Arrow Seed Company, Inc.	PK Supplies	520.00
Axis Capital	Mail Machine Payment	527.37
B & D Office City	Supplies	185.32
Business Office Systems of Nebraska	Supplies	155.15
Card Center/Orscheln	WWTP/Fire/WR Supplies	138.79
Cash-Wa Distributing	Food & Supplies	1,050.03
Culligan Water Conditioning Co.	Soft Water Supplies	170.01
Dan's Sanitation	Sanitation Fees	10,000.00

Davis Energy, Inc.	Fuel	4,297.30
Dawson Area Development	Dues	12,000.00
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,167.80
Diamond Vogel Paint	ST/PK Supplies	1,896.38
Eakes Office Plus	Supplies	201.46
Electric Fixture	WWTP/Lib. Supplies	153.03
Farmer Brothers Coffee	Food	43.05
Fireguard, Inc.	Fire Dept. Supplies	276.65
FYR-TEK	Fire Dpt Sppls/Uniforms	1,953.46
Gale Group, The	Books	73.48
Gall's, Inc.	Uniform Expense	1,213.76
Gnirk Lawn Care, Inc.	Lawn Service	5,833.00
Health Claims Fund	Claims	2,069.49
Hobart	GGC Service	245.36
Holbein, Dahlas	Lawn Service	45.00
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	240.10
Island Supply Company, The	ST Supplies	2,484.00
Jim Phillips Const.	Heat Pump/Sdwlk Repair	11,050.00
Jones Plumbing & Heating	CED Add Work/Spls	2,287.64
Kirkham Michael	Rural Viaduct Study	6,750.00
Kriz-Davis Company	Meters	817.48
Lexington Boy Scout Troop #88	Recycling	21.50
Lexington Boy Scout Troop #144	Recycling	21.50
Lexington Girl Scouts	Recycling	43.00
Lexington Glass Co.	Lib. Service	35.00
Lexington Health Fund	Self-funding	31,576.44
Lexington Newspapers, Inc.	Publications/Subscription	87.75
Lexington Postmaster	Postage	150.00
Lexington True Value	Fire Dept. Supplies	38.25
Lexington, City of	Franchise/Service Fees	47,726.84
Lien Lawn Services	WWTP Supplies	43.90
Linden's Plumbing	WR Service	164.92
Mead Lumber & Rental-Lexington	PK Supplies	31.77
Meridian Library System	Conference	20.00
Meritain Health	Premium	16,764.67
Meyer-Century Labs	WR Supplies	164.94
Michael Todd & Co., Inc.	ST Supplies	197.28
Mid-Nebraska Printing	Supplies	282.02
Midwest Line Stopping & Repair Services	WR Supplies	588.50
Milco Envrmmntl Srvc, Inc.	WR Analysis/Disposal Site/StormWR	13,909.18
Miller & Associates	Bridge Inspections	750.00
NE Conf Building Officials & Inspectors	Conference	150.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Forest Service	Advertising	50.00
Nebraska Library Commission	Conference	15.00
Nebraska Machinery	Packer Rental	1,935.00
Nebraska Municipal Power Pool	Dues	2,081.76
Nebraska Public Power District	O&M	75,000.00
Nebraska Public Power District	Power Purchase	576,612.55
Nebraska Waste Handlers	Sludge Removal	5,372.80
Nebraskaland Tire	Repair	24.48
Nelson, Margie L.	Cleaning Service	500.00
Overton Sand & Gravel	Gravel	193.04
Paulsen, Inc.	Concrete	1,395.29

Pinnacle Agency, The	Premium	95.00
Plum Creek Auto Spa	Car Washes	20.50
Plum Creek Market Place	Food	70.72
Plum Creek Motors	Fire Dept. Repair	5,473.93
Roberts Dairy Company	Beverages	192.21
S & W Auto Parts, Inc.	Cemetery Supplies	57.90
Service Master Mid Nebraska	Cleaning Service	807.50
Simmerman Electric	WWTP Repair	277.80
Snell Services, Inc.	Boiler Inspections	1,799.91
Subway Sandwiches & Salads	Food	30.48
T. O. Haas Tire Co., Inc.	Repair/Warranty	63.00
Thompson Co., The	Food	848.08
TierOne-Lib. Petty Cash	Postage/Supplies	18.04
Tri-City Tribune	Book/Publications	332.50
U-Save Business Equipment	Postage/Supplies	96.29
Underground Construction, Inc.	SCADA System Service	449.50
Utility Equipment	WR Supplies	901.42
Wal-Mart	Supplies	63.27
Will Weinhold Trust Account	Cemetery Land	35,799.75
Alamar Uniform Co.	Uniform Expense	309.68
Alltel	Service	217.46
All Points Cooperative	WWTP Supplies	15.40
Audio Editions	Lib. Supplies/Books	750.35
Barco Municipal Products	ST Supplies	120.76
Bueno, Lorenzo	EL Rebate	1,025.00
Business Card	WR Supplies	33.60
Cash-Wa Distributing	Food & Supplies	386.79
Central Garage Fund	Fuel	9,337.45
Dan's Sanitation	Sanitation Fees	1,980.00
Dawson County Public Power	Power Purchase	280.67
Dawson County Register of Deeds	Filing Fees	35.00
Demco	Lib. Supplies	116.39
Depository Trust Co.	2004 GO Bond Pmt.	29,286.25
Eakes Office Plus	GGC Supplies	193.00
Ed Roehr Safety Products	Tasers	2,658.40
Electric Fixture	Fire Dept. Supplies	28.08
EMS Billing Services, Inc.	Ambulance Supplies	1,554.03
Fagot Refrigeration & Electric	WR Maint/Heat Pump/Lift Station	4,353.46
Fireguard, Inc.	Fire Dept. Supplies	288.90
Gale Group, The	Books	66.86
Great Plains One-Call Service	Locates	97.43
Health Claims Fund	Claims	23,970.95
Helvey, Richard	EL Rebate	125.00
Husker Ag Sales	PK Supplies	65.75
Ingram Library Services	Books	100.66
Knapp Electric	Lift Station Repair	2,787.50
KOLN/KGIN-TV	Lib. Promotion	575.00
Lexington Animal Clinic	Animal Care	633.90
Lexington Newspapers, Inc.	Publications	835.65
Lexington Recreation Program	Baseball/Softball Instrctn	1,200.00
Lexington Volunteer Fire Dept.	Ambulance Fees	3,182.43
Payroll	Wages	95,217.21
Social Security	Emplyr Prtn/FICA Med	7,076.04
First National Bank	Emplyr Prtn/Pension	3,300.37
First National Bank	Police Pension	1,476.16
ICMA	City Manager Pension	380.00

Linweld	Ambulance Supplies	201.33
Matt Parrott and Sons Co.	Office Supplies	830.05
McCookNet Internet Service	Service	3,459.84
MES-MIDAM	Fire Dept. Supplies	361.61
Michael Todd & Co., Inc	ST Supplies	62.52
Midlands Contracting, Inc.	Lift Station Rebuild	25,642.50
Mid-Nebraska Printing	Fire Dept./Rec Supplies	273.24
Mid-State Units	Rental	350.00
Miller & Associates	Professional Services	11,520.94
Municipal Supply	WR Supplies	1,079.86
National Pen Corporation	Lib. Supplies	146.21
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Department of Revenue	Sales & Use Tax	38,988.80
Nelson, Margie L.	Cleaning Service	150.00
OMB's Express Police Supply	Police Supplies	616.93
Platte Valley Communications	Supplies/Service	369.98
Roberts Dairy Company	Beverages	177.21
Rodale, Inc.	Book	49.90
S & W Auto Parts, Inc.	ST Parts	1,584.00
Scholastic Library Publishing	Books	236.60
Service Master Mid Nebraska	Cleaning Service	78.75
Source Gas, LLC	Gas Service	7,450.52
St. John, Paul	Reimburse Cemetery Space	600.00
Subway Sandwiches & Salads	Food	54.41
Taste of Home Books	Book	28.98
Thompson, Co., The	Food	989.02
TierOne-City Petty Cash	Food/Postage/UniformExp	75.28
TierOne-Library Petty Cash	Postage/Food/Seminar	55.84
Tri-County Hospital	Ambulance Spls/Wellness	534.00
Upstart	Lib. Supplies	109.40
U-Save Business Equipment	Postage	13.36
Wal-Mart	Supplies	122.67
Wesco Distribution, Inc.	EL Supplies	406.30
	TOTAL CLAIMS:	1,191,195.36

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing to consider a rezoning application by Barry McFarland to rezone property at 43312 Road 757 from R-1 Residential to A-1 Agriculture. Barry McFarland outlined the plans for the rezoned property which would include adding an additional 1000 grapevines to supplement his family's winery business. The public hearing was closed following discussion.

**ORDINANCE:**

An Ordinance entitled "AN ORDINANCE TO REZONE LOT 1 AND LOT 2, WARD'S SUBDIVISION, FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO A-1 AGRICULTURAL; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read by title. 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 Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2247 was read by title. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2247. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing to consider a CDBG application to the Department of Economic Development for the Monroe Street paving improvements. Deb Jensen explained that an additional public hearing was to be held as part of the special conditions of the CDBG process arising from differences in the original budget amounts submitted in the original application. Following discussion, the public hearing was closed.

**LVFD:**

A roster of probationary members of the Lexington Volunteer Fire Department was presented to Council for approval. Probationary members include Darrell Dutro and Blake Thorell. Motion by Miller, seconded by Salem, to approval of Dutro and Thorell as probationary members of the Lexington Volunteer Fire Department. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

**CHANGE ORDER:**

Dana Daniels presented Change Order #1 for the Northwest Detention Cell for Council consideration. He noted that changes to piping along Airport Road and temporary seeding requirements by SWPPP contribute to the need for the Change Order. Following discussion, moved by Miller, seconded by Bennett, to approve Change Order #1 for the Northwest Detention Cell project. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 08-08 was read. Following background by Burnside, moved by Miller, seconded by Tomasek, to approve Resolution No. 08-08. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 08-08**

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

WHEREAS, the City of Lexington has been named a Tree City USA community for more than ten consecutive years; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the number of trees in Lexington has been declining over the last two decades; and

WHEREAS, a high percentage of existing trees in Lexington are near the end of their life spans; and

WHEREAS, Lexington's Tree Board has recommended that replanting trees be a priority for Lexington, and that the City take action to support ReTree Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, that the City of Lexington

supports the goals of ReTree Nebraska and encourages residents to do their part to re-tree Lexington.

Passed and approved this 8th day of April 2008.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**ROUNDTABLE:**

Peplitsch noted that Central Community College President's Advisory Board is hosting a stakeholders meeting on April 15. As this conflicts with a meeting of the council, he will request a representative of Dawson Area Development to attend on behalf of the City of Lexington. He also updated the Council on a possible joint meeting with the Lexington School Board.

Berke reminded council members of upcoming meetings and events.

Fagot requested that the annual evaluation for the city manager be placed on the next council agenda. He also inquired as to the landscaping plans following the demolition of a building in the downtown area.

**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