

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 26, 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, Linda Miller, Joni Bennett and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold and Deputy City Clerk Pamela Berke. Other city personnel included Finance Director Barb Mills. The press was represented by the Lexington Clipper-Herald, Kearney Hub and KNOP-TV. Also present was Marc Munford, Ameritas; and Dana Daniels, Miller & Associates.

**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 8-5-08** Minutes of the Regular meeting held Tuesday, August 5, 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.

**MINUTES – BUDGET WORKSHOP 8-20-08** Minutes of the Budget Workshop held Wednesday, August 20, 2008 were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,688,651.01 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$351,854.95 from the General Fund, \$5,897.62 from TIF Fund, \$4,042.50 from ED Reuse, \$3,400.00 from Housing Reuse, \$1,236,149.67 from LEXUS, \$27,878.53 from Sanitation, \$1,776.10 from Ambulance Fund, \$42,646.53 from Health Fund, and \$14,005.11 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
August 26, 2008

ABB Inc.	Meter Replacement	5,725.08
AFLAC	Premium	844.16
Alamar Uniform Co.	Uniform Expense	206.21
Alltel	Cellphones	404.31
Anderson Graphics	Lib./Rec Supplies	228.25

Area Services	Clean Lines	492.50
Associated Supply Company, Inc.	Aquatic Center Maintenance	5,053.56
Audio Editions	Books	849.90
Automotive Sales & Service Co.	Central Garage Supplies	736.58
B & D Office City	Supplies	15.88
Baker, Jerry	Book	37.75
Barmore Drug Store Inc.	Ambulance Supplies	119.76
Better Homes and Gardens	Book	31.91
Blackburn Mfg. Co.	CEM/WR Supplies	312.66
Blythe, Lance	Uniform/Travel Expense	746.40
Brecks, Bill	Conference	46.80
Business Card	Conference/Books	417.38
Business Office Systems of NE	Supplies	237.54
Card Center/Orscheln	CEM/WWTP/ST/Fire Supplies	141.08
Case Credit Advantage	WWTP/Central Garage Supplies	1,357.93
Cash-Wa Distributing	Food & Supplies	5,880.27
Central Garage Fund	Service/Repair	9,412.51
Coca Cola/Dr Pepper Bottling Krny	Beverages	230.00
Community Redevelopment Auth	TIF/Shotkoski Hay Co.	5,897.62
Conney Safety Products	Serv.Bldg.Supplies	167.25
Cooking for 2	Subscription	29.98
Culligan Water Conditioning Co.	GGC Supplies	240.52
Danko Emergency Equipment Co.	Repair	230.73
Davis Energy, Inc.	Fuel	12,418.17
Dawson Area Development	Leadership Class	200.00
Dawson County Public Power	Power Purchase	7,273.22
Dawson County Register of Deeds	Fees	41.50
Delight Donut	Food	60.95
Demco	Lib. Supplies	102.84
Eakes Office Plus	Lib. Supplies	327.69
Electric Fixture	EL/WR/PK/WWTP Supplies	151.27
EMS Billing Services, Inc.	Ambulance Supplies	1,200.19
Eustis Body Shop	Repair	82.33
Fagot Refrigeration & Electric Inc	Rec Complex/PK/WWTP Repairs	1,336.41
Farmer Brothers Coffee	Food	86.14
Fastenal	PK/Cem. Supplies	150.81
Fireguard, Inc.	Annual Inspection/Fire Dept.	1,192.89
Fisher Scientific	WWTP Supplies	88.62
Flowers of Joy	Supplies	39.54
Gale Group, The	Books	68.81
Gempler's Inc.	Rubber Boots	863.80
Great Plains One-Call Service	Locates	71.10
Hach Company	WWTP Supplies	222.75
Health Claims Fund	Claims	17,589.83
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
Holiday Inn Express	St. Softball Support Personnel	630.00
Husker Ag Sales	Central Garage/WWTP Supplies	572.74
Ingram Library Services	Books	524.17
Island Supply Company, The	Central Garage Supplies	99.00
Jakes Toro Sprinklers	Sprinkler Repair	419.72
Jim Phillips Construction	Sidewalk Repair/WR Mains	19,695.23
Johnson Service Company	Sewer Line Maintenance	850.00
K.R.V.N. - FM	Service Announcements	507.00
Kayton Electric, Inc.	Optimist Field Lights	2,021.57
Kearney Hub	Advertising	216.80
Keim, Bob	Freon Removal	240.00
Kratzer Electric, Inc.	Repair	40.00

Kriz-Davis, Co.	EL Supplies	2,074.09
League of Nebraska Municipalities	Membership Dues	3,715.00
Lexington Newspapers, Inc.	Publications	545.28
Lexington Optimists	Membership Dues	120.00
Lexington Recreation Program	Support Personal	7,000.00
Lexington True Value	ST/Lib. Supplies	61.07
Payroll	Wages	118,612.29
Social Security	Employer Portion / FICA Med	8,851.64
First National Bank	Employer Portion / Pension	3,369.06
First National Bank	Police Pension	1,507.51
Health Fund	Insurance Premiums	24,586.30
ICMA	City Manager Pension	392.30
Linda's Stitches & Laser Art	Shirts	339.40
Linden's Plumbing	Repair/Pump Lift Station	327.00
Linweld	Ambulance Supplies	193.40
Lips Printing Service	GGC/Rec Supplies	310.83
Mac's Short Stop	Food	333.36
Matt Parrott and Sons Co.	Office Supplies	244.39
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	PK/WR/Cem.Supplies	601.80
Menards-Kearney	Lib. Supplies	119.99
Michael Todd & Co., Inc.	WR/ST Supplies	408.72
Mid-Nebraska Food Bank	Food & Supplies	35.82
Mid-State Units	Rental	615.00
Midwest Living Magazine	Subscription	19.97
Miller & Associates	Prof. Svc/Soccer Fields/Hike Bike Trail	16,138.19
Mr. Automotive	Supplies	19.30
Municipal Automation & Control	WWTP Service	887.10
Municipal Supply	WR Supplies	718.65
Naumann, Sondra	Cleaning Service	177.00
Nebraska Air Filter, Inc.	Lib. Supplies	267.48
NE Dept Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Law Enforcement	Training Material	75.00
Nebraska Library Association	Conference	80.00
NE Public Health Environmental Lab	WR Analysis	1,175.00
Nebraska Public Power District	Power Purchase	933,878.24
NE Public Service Commission	Application Fee	35.00
Nebraska State Treasurer	Unclaimed Property	722.99
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,355.49
Nebraska Waste Handlers	Sludge Removal	9,066.60
Omaha Standard Distribution	Spreader for ST Dept.	7,287.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete/Gravel	1,651.62
Pinnacle Agency, The	Insurance	250.00
Platte Valley Communications	Plum Creek PK Cameras/Repairs/Service	6,570.02
Plum Creek Cleaners	Supplies	123.50
Plum Creek Market Place	Food	85.65
Plum Creek Medical Group	Employment Physical	150.00
Primary Electric	ST Service	56.34
Roberts Dairy Company	Beverages	764.87
S & W Auto Parts, Inc.	Aquatic Center/Central Garage Supplies	1,278.62
Schwan's Sales Ent	Food	148.67
Service Master Mid Nebraska	Lib./GGC Cleaning Service	2,106.25
Sign Pro	PK Supplies	120.00
State Wide Collections	Collection Fees	490.53
Subway Sandwiches & Salads	Food	40.53
Swartz, Jason	Travel Expense	926.64

TASC	Admin Fees	151.80
Thompson Co., The	Food	2,215.29
TierOne-Lib. Petty Cash	Postage & Supplies	54.14
T. O. Haas Tire Co., Inc.	Tires/Supplies	512.14
Treat America Food Services	Food/Police	1,081.96
Tri-City Tribune	Advertising	60.00
U-Save Business Equipment	GGC/EL/ST Supplies	1,086.20
Ultramax	Ammunition	387.00
Upstart	Books	74.81
Utility Equipment Co.	WR Supplies	133.26
Van Diest Supply Company	Insecticide	1,827.00
Wal-Mart	Supplies	583.26
Ward Laboratories	Supplies/WR	52.00
Wesco Distribution, Inc.	EL Supplies	196.88
Wolf, Tracy	Travel Expense	109.98
All Points Cooperative	Fuel	119.99
Alloy Specialty, Inc.	OR Housing	3,400.00
Arnold Pool Company	WWTP/Aquatic Center Supplies	621.60
B & D Office City	Supplies	55.55
Bottom Line/Retirement	Subscription	39.00
Cash-Wa Distributing	Food & Supplies	928.17
Coca Cola/Dr Pepper Bottling Krny	Beverages	504.00
Dan's Sanitation	Sanitation Fees	27,878.53
Fastenal	Supplies	27.07
Fireguard, Inc.	Fire Dept. Supplies	170.54
Galls, Inc.	Police Supplies	107.49
Health Claims Fund	Claims	24,060.74
Kovels on Antiques &Collectibles	Subscription	27.00
Lexington Newspapers	Publications	27.71
Lexington True Value	Supplies	8.97
Lexington, City of	Franchise Fees	65,181.94
Payroll	Wages	102,610.20
Social Security	Employer Portion / FICA Med	7,638.02
First National Bank	Employer Portion / Pension	3,330.99
First National Bank	Police Pension	1,646.15
Health Fund	Insurance Premiums	23,715.66
ICMA	City Manager Pension	392.30
Lexington Utilities System	Utilities	27,580.69
Mead Lumber & Rental-Lexington	PK Supplies	827.01
Meyer, Virginia	EL Rebate	1,025.00
Municipal Supply	Soccer Field Supplies	7,793.47
Nebraska Public Power District	O & M	75,000.00
Plum Creek Market Place	Food	27.33
Roberts Dairy Company	Beverages	105.05
S & W Auto Parts	Supplies	21.09
TierOne-City Petty Cash	Food/Postage/Uniform Expense	83.00
TierOne-Lib. Petty Cash	Postage	19.27
Total Lawn Care	Lawn Service	3,712.50
Tyler Technologies	Hardware/Software Maintenance	24,451.00
U-Save Business Equipment	Postage	111.72
Wal-Mart	Supplies	46.93
Ward Laboratories	Lab Test	13.00
Whittaker, Jerry	EL Rebate	1,025.00

TOTAL CLAIMS: 1,688,651.01

**BOND ORDINANCE:**

Marc Munford, Ameritas, presented an ordinance authorizing the issuance of Combined Utility Revenue Bonds, Series 2008. Following discussion, an ordinance entitled "AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMINED UTILITIES REVENUE BONDS, 2008 SERIES, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF THREE MILLION FIVE HUNDRED FORTY THOUSAND DOLLARS (\$3,540,000) FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVEMENTS AND EXTENSIONS FOR THE CITY'S ELECTRIC LIGHT AND POWER DISTRIBUTION SYSTEM; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM" was read by title. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of the ordinance on 3 separate occasions. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2251 was read by title. Moved by Salem, seconded by Miller, to adopt Ordinance No. 2251 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**FLUORIDATION:**

Resolution No. 08-17 was read. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 08-17. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**RESOLUTION NO. 08-17**

WHEREAS, Section 71-3305 of the Nebraska Statutes requires any city with a population of one thousand or more to add fluoride to the city's water system unless the voters of the city vote to adopt an ordinance before June 1, 2010, prohibiting the addition of fluoride to the city water system; and

WHEREAS, Section 71-3305 authorizes the governing body to place the ordinance to prohibit the addition of fluoride to the city water system on the ballot;

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

Section 1. That at the general election to be held on Tuesday, November 4<sup>th</sup>, 2008 an Ordinance prohibiting the addition of fluoride to the City water system shall be submitted to the qualified electors of the City and to be presented in the following form:

"ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO FLUORIDATION; TO PROHIBIT THE ADDITION OF FLUORIDE TO THE CITY'S WATER SYSTEM; TO

REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Section 71-3305 of the Nebraska Statutes requires any city with a population of one thousand or more to add fluoride to the city's water system, unless the voters of the City adopt an Ordinance to prohibit fluoridation;

BE IT ORDAINED BY THE VOTERS OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The addition of fluorides to the water supply of the City of Lexington, Nebraska is hereby prohibited.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect immediately upon adoption by a majority of the persons voting on said issue at the general election of November 4, 2008.

Shall the City of Lexington, Nebraska, adopt the foregoing Ordinance and thereby prohibit the addition of fluoride to the City's water system?

\_\_\_\_\_ Yes (To adopt the Ordinance and prohibit fluoridation)

\_\_\_\_\_ No (To not adopt the Ordinance)"

Section 2. That the City Clerk is authorized and directed to certify a copy of this resolution to the election commissioner/county clerk by September 2, 2008. The City agrees to reimburse the election commissioner/county clerk for the expenses of conducting the election, as required by law.

Passed and approved this 26<sup>th</sup> day of August, 2008.

John Fagot, Mayor  
(SEAL)

Joe Peplitsch, City Clerk

**PAY REQUEST:**

Daniels presented Pay Request #4 from Cement Products, Inc. for the Lexington Pedestrian/Bike Trail project in the amount of \$58,526.64. Following an update of the project, moved by Miller, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**PAY REQUEST:**

Daniels presented Pay Request #3 from TL Sund Constructors, Inc. for the Handicap Ramp project in the amount of \$94,989.59 and gave an update of the project. He noted that the project will soon be finalized. Following discussion, moved by Bennett, seconded by Tomasek to approve the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**FINANCIAL REPORT:**

Peplitsch presented Council with the financial report for July 2008. Following discussion, moved by Tomasek, seconded by Salem, to accept the

financial report as presented. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**BUDGET WORK SESSION:** Peplitsch presented the proposed FY 2009 budget, highlighting changes from previous work sessions, and an overview of new material. Following discussion, moved by Miller, seconded by Bennett, that the proposed Fiscal Year 2009 budget be put into form for public hearing on September 9, 2008. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried

**RESTRICTED PARKING:** Peplitsch presented several requests for restricted or handicap accessible parking, in the areas of 6<sup>th</sup> and Jackson, 8<sup>th</sup> and Washington and 7<sup>th</sup> and Washington. Following discussion, Staff was directed to evaluate downtown parking near the courthouse and bring information back to the Council for future consideration. Council agreed to take no action on the requests as presented.

**ROUNDTABLE:** Weinhold reported that the sale of 3 assessment foreclosed properties will be done during a sheriff’s sale scheduled for September 24, 2008. Council will be able to address this issue at the next council meeting.

**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.

---

Deputy City Clerk