

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 26, 2008, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 6:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, John Salem, Linda Miller and Joni Bennett. City Officials present were City Manager Joe Pepplitsch, 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, Connie Martin, and Jerry Barnes.

**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 2-12-08** Minutes of the Regular meeting held Tuesday, February 12, 2008, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$479,308.84 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$254,379.49 from the General Fund, \$4,042.50 from ED Reuse, \$495.55 from Housing Reuse, \$150,118.64 from LEXUS, \$25,838.45 from Sanitation, \$411.05 from Ambulance Fund, \$35,025.06 from Health Fund, and \$8,998.10 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Salem, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 26, 2008

All Points Cooperative	WWTP Supplies/Fuel	213.36
Alltel	Service	147.62
Alvarado-Diaz, Roberto C.	Utility Refund	19.61
Arcmate Manufacturing Corp.	PK Supplies	130.24
Audio Editions	Books	43.96
B & D Office City	Supplies	54.29
Bradfield, Rollie	Boots	55.00
Business Card	Supplies/Conference	1,012.98
Card Center/Orscheln	WWTP Supplies	47.19
Cash-Wa Distributing	Food & Supplies	787.25
Central Garage Fund	Repairs/Service	2,038.41
Christian Book Distributors	Books	142.41

D & R Computing	Supplies	59.91
Davis Energy, Inc.	Fuel	6,849.76
Dawson County Handibus	Transportation	30.00
Demco	Lib. Supplies	328.01
Deterding	Lib. Repair	102.00
Dia-Nielsen	WWTP Supplies	129.04
Dominguez, Juan	Boots	36.92
Drummond American Corporation	PK/Cem. Supplies	324.81
Eakes Office Plus	Lib. Supplies	818.30
Farmer Brothers Coffee	Food & Supplies	164.93
Follett Software Co.	Lib. Supplies	316.66
FYR-TEK	Fire Supplies/Uniforms	9,855.11
Gale Group, The	Books	241.89
HD Supply Waterworks	WR Supplies	118.86
Health Claims Fund	Claims	33,211.55
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Holmes Plbg. & Htg. Supply Co.	WWTP Supplies	50.16
Husker Ag Sales	Central Garage Supplies	31.11
Ingram Library Services	Books	754.72
Island Supply Company, The	Central Garage Supplies	243.50
Latina	Subscription	14.97
Payroll	Wages	91,670.48
Social Security	Employer Portion / FICA Med	6,805.51
First National Bank	Employer Portion / Pension	
First National Bank	Police Pension	1,337.13
ICMA	City Manager Pension	413.07
Lexington Health Fund	Self-funding	33,153.15
Lexington Newspapers	Publications	35.17
Lexington True Value	Fire Supplies	3.84
Lexington Utilities System	Utilities	29,380.28
Mead Lumber & Rental-Lexington	WWTP/ST Supplies	131.83
Meyer-Century Labs	WWTP Supplies	75.93
Mid-Nebraska Food Bank	Food & Supplies	32.76
Mid-Nebraska Printing	EL/Office Supplies	1,197.31
Miller & Associates	Retainer	800.00
Municipal Supply	WR Supplies	367.64
Nebraska Air Filtering, Inc.	Lib. Repair	140.04
Nebraska Association of Senior Citizens	Membership	20.00
Nebraska Department of Agriculture	Dues	25.00
Nebraska Library Commission	Conference	140.00
Nebraska Public Health Environmental Lab.	WR Analysis/Police Service	262.00
Neopost	Postage	1,500.00
Olsson Associates	EL Rate Study	3,525.00
Peak Interest	Food	63.46
People Books	Book	40.90
Plum Creek Market Place	Food	30.97
Plum Creek Medical Group	Medical Expense	87.00
Pollution Control Systems	WWTP Supplies	309.00
QPR (United States)	ST Supplies	572.83
Rasmussesn Mechanical Service Corp.	Lib. Service	1,752.94
Roberts Dairy Company	Beverages	144.45
S & W Auto Parts, Inc.	WWTP/Central Garage Supplies	351.98
Service Master Mid Nebraska	Lib./GGC Cleaning Service	2,027.50
Steve's Lock & Key	Lib. Service	48.79
T. O. Haas Tire Co., Inc.	Repair	51.23
TASC	Premium	174.80
Third Party Environmental, Inc.	Asbestos Removal	250.00

Thompson Co., The	Food & Supplies	480.84
TierOne-Lib. Petty Cash	Postage/Food/Books	65.38
UN-L Extension	Seminar	40.00
U-Save Business Equipment	Supplies/Postage	86.05
Wal-Mart	Supplies	475.23
Water Environment Federation	Membership Dues	52.00
World Chamber of Commerce Directory	Book	46.00
AFLAC	Premium	844.16
All Points Cooperative	Fuel	53.91
Area Services	GGC Service	250.00
Brecks, Bill	Seminar	165.00
Business Card	WR Supplies	111.97
Cash-Wa Distributing	Food	441.84
Contryman Associates, P. C.	Audit	15,000.00
Dan's Sanitation	Sanitation Fees	25,444.54
Eustis Body Shop	Towing	80.00
Farmer Brothers Coffee	Food & Supplies	170.19
Fisher Scientific	WWTP Supplies	316.82
Follett Software Co.	Lib. Supplies	124.65
Gale Group, The	Books	44.79
General Binding Corporation	Lib. Supplies	125.61
Gothenburg Times, The	Publication	4.63
Hach Company	WWTP Supplies	71.15
Health Claims Fund	Claims	794.55
Helvey, Richard	EL Rebate	1,025.00
Holmes Plbg. & Htg. Supply Co.	WWTP Supplies	49.91
Ingram Library Services	Books	55.93
Lexington, City of	Franchise Fees	55,772.56
Payroll	Wages	91,472.37
Social Security	Employer Portion / FICA Med	6,791.98
First National Bank	Employer Portion / Pension	
First National Bank	Police Pension	1,330.96
ICMA	City Manager Pension	413.07
Lexington Health Fund	Self-funding	33,153.15
Lexington Housing Authority	GGC Freezers	888.00
Lexington Newspapers, Inc.	Publications	242.51
Mead Lumber & Rental-Lexington	Repair	6.50
Nebraska Dept. of Economic Development	Orthman's CDBG Payment	4,042.50
Nebraska Forest Service	Seminar	60.00
Nebraska Law Enforcement	Recertification	60.00
Nebraskaland Tire	Tires	305.20
Pepplitsch, Joe	Conference/Seminars	463.12
Plum Creek Market Place	Food	19.12
Roberts Dairy Company	Beverages	97.96
Service Master Mid Nebraska	City Offices/GGC Cleaning Svc	149.70
Third Party Environmental, Inc.	Asbestos Inspection	350.00
Thompson Co., The	Food	449.53
TierOne-City Petty Cash	Postage/Food/Testing Spls/Seminar	110.75
Wal-Mart	Supplies	64.76
Wesco Distribution, Inc.	WR Supplies	373.43
White, Keith	El Rebate	125.00
	<b>TOTAL CLAIMS:</b>	<b>479,308.84</b>

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing to consider a rezoning application by Connie Foster Martin to rezone property located at East Highway 30 and

Road 436 from A-1 Agriculture to R-1 Residential and to consider the final plat for Foster Subdivision. Pepplitsch presented an overview of the subdivision and rezoning requests and some of the issues associated with this property. Jerry Barnes was concerned about past property maintenance issues. Pepplitsch noted that this issue is addressed in the subdivision agreement. Fagot noted that Martin's have agreed to have the property cleaned up within 60 days. The property maintenance code process would become effective if the cleanup has not been completed. The public hearing was closed.

**SUBDIVISION RESOLUTION:** Resolution No. 08-03 was read by title. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 08-03. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 08-03  
FOSTER SUBDIVISION**

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

The plat of FOSTER SUBDIVISION a part the Southeast Quarter of the Northeast Quarter, lying North of the Union Pacific Right-of-Way, Section 10, Township 9 North, Range 21 West of the 6<sup>th</sup> P.M. Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED February 26, 2008.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**SUBDIVISION AGREEMENT:** Pepplitsch presented a subdivision agreement for the Foster Subdivision. He again noted that the owner is required to comply with the International Property Maintenance code. Following discussion, moved by Tomasek, seconded by Bennett, to approve the subdivision agreement for the Foster Subdivision. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**REZONING ORDINANCE:** An ordinance entitled "AN ORDINANCE TO REZONE LOT 1, FOSTER SUBDIVISION, FROM A-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; 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. Moved by Tomasek, seconded by Salem, to approve ordinance on first reading. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**1 & 6 YEAR STREET PLAN:** Mayor Fagot opened the public hearing. Dana Daniels presented the One and Six Year Street Improvement Plan, highlighting the One Year plan. Following discussion, the public hearing was closed. Following his presentation and discussion, Resolution No. 08-04 was read. Moved by

Tomasek, seconded by Miller, to approve Resolution No. 08-04. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

**RESOLUTION NO. 08-04**

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

Date: February 26, 2008

John Fagot, Mayor

Attest: Pamela Berke, Deputy City Clerk

**NW DETENTION CELL:**

Daniels reviewed the bids recently opened for the NW Detention Cell project. He recommended awarding the bid to Adams Construction in the amount of \$168,561.50. Following discussion, moved by Bennett, seconded by Tomasek to award the bid for the NW Detention Cell project to Adams Construction in the amount of \$168,561.50. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**RESOLUTION:**

Council considered a resolution approving the annual certification list for the LVFD Service Award Program. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 08-05. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**RESOLUTION NO. 08-05**

A RESOLUTION APPROVING THE LVFD SERVICE AWARD PROGRAM CERTIFIED MEMBER LIST FOR CALENDAR 2007.

WHEREAS, the Lexington Volunteer Fire Department members must attain Certified status as defined by the LVFD Service Award Program in order to participate in the program.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, the following list of members have completed the certification requirements as determined by the Certification Administrator for calendar year 2007.

Travis Arner	Ron Balthazor	David Berke
Bo Berry	Jeffrey Block	Bruce Bonini
Robert Bullis	Alfred Copper	Gary Donnelson
Michael Dowling	Matthew Fitzgerald	Doug Glaze
Michael Gomez	Everatt Hagan	Dale Holbein
Dahlas Holbein	Kent Jergensen	Ryan Johnson
Jeremy Kaiser	Richard Klauz	James Linch
Michael Maguire	Robert Martin	Eldon Peck
Chad Reutlinger	Roger Reutlinger	Michael Richman
Jon Robles	Jerry Saulsbury	Kerry Teetor
Dean Wheeler	David Zlatkovsky	Frank Zlatkovsky

Passed and Approved this 26<sup>th</sup> day of February 2008.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**FINANCIAL REPORT:**

Peplitsch presented a financial report for January 2008. Following discussion, moved by Salem, seconded by Miller, to accept the financial report as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**ROUNDTABLE:**

Peplitsch updated Council on Viaero Wireless and their efforts to locate towers within Lexington for better coverage. He noted that he would be contacting Tomasek and Bennett to set up a time to discuss city office renovations.

Berke announced that a dedication for the new fire hall and an open house honoring retired Fire Chief Bob Martin will be held on Sunday, April 13, 2008, 1-4 pm. She also noted that she would be attending clerk school in Kearney, March 17-21, 2008.

Bennett and Miller asked if it would be possible to have a Lexington contingent be placed on the schedule for the League of Nebraska Municipalities Mid-Winter conference to showcase Lexington achievements and cooperative efforts with other economic development entities.

**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