

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 9, 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 Pepplitsch, 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 and Kearney Hub. Also present was 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 8-26-08** Minutes of the Regular meeting held Tuesday, August 26, 2008, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,033,882.47 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 \$216,694.51 from the General Fund, \$1,722,816.45 from LEXUS, \$10,000.00 from Sanitation, \$3,378.46 from Landfill, \$1,901.44 from Ambulance Fund, \$73,279.10 from Health Fund, and \$5,812.51 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  
September 9, 2008**

Adamson, Tom	Book	8.00
All Points Cooperative	Fuel/Supplies/Insecticide	527.79
American Casting & Manufacturing Corp.	EL Supplies	1,443.50
Axis Capital, Inc.	Mail Machine Payment	527.37
B & D Office City	Supplies	93.90
Card Center/Orscheln	WWTP/ST Supplies	221.20
Case Credit Advantage	Central Garage Supplies	13.63
Cash-Wa Distributing	Supplies/Food	604.63
Central Garage Fund	Fuel/Service/Repair	21,458.69
Culligan Water Conditioning Company	Soft Water Supplies	139.35
Dan's Sanitation	Sanitation Fees	16,299.14

Dawson County Handibus	Transportation	50.00
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,412.35
Diamond Vogel Paint	ST Supplies	2,448.17
Eilers Machine & Welding	WWTP Supplies	140.04
Electric Fixture	EL Supplies	258.47
Electronic Gaming Monthly	Subscription	24.97
Farmer Brothers Coffee	Food & Supplies	455.65
Fastenal	WWTP Supplies	46.52
Follett Software Company	Lib. Supplies	44.45
Gale Group, The	Books	226.31
Galls, Inc.	Uniform Expense	163.49
Graphic Arts Shop	Police Supplies	884.10
Great Plains One-Call Service	Locates	94.04
Halsen Products Company	Uniform Expense	342.99
Health Claims Fund	Claims	40,769.16
Holbein, Dahlas	Lawn Service	550.00
Holmes Plbg & Htg Supply Co.	WWTP Supplies	362.84
Hometown Leasing	Copier Payments	561.94
Husker Ag Sales	Central Garage Supplies	767.61
Ingram Library Services	Books	409.85
International Assn of Electrical Inspectors	Membership Dues	90.00
JMS Millwright & Repair	Building Repair	487.10
Jones Plumbing & Heating	ST/WR/WWTP Supplies	4,981.37
Knapp Electric	Repair	93.00
Laminator.Com	Lib. Supplies	58.60
Lexington Area Solid Waste Agency	Landfill	1,515.24
Lexington Newspapers, Inc.	Publications	77.69
Lexington Postmaster	Postage/Annual Fee	330.00
Lexington Public Schools	Seminars	20.00
Lexington True Value	WWTP Supplies	84.37
Lexington, City of	Franchise/Service Fees	47,711.84
LexisNexis Matthew Bender	Book	106.00
Linden's Plumbing	WWTP Service	250.36
Lisa's Instant Print Service, Inc.	GGC Supplies	149.10
Mast's Fire Extinguisher Sales	Fire Dept. Supplies	152.66
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	PK/WWTP/CG Supplies	147.16
Meritain Health	Premium	20,889.67
Michael Todd & Co., Inc.	WR Supplies	15.34
Municipal Supply	WR Supplies	737.70
Nebraska Library Association	Membership Dues	50.00
Nebraska Machinery	Central Garage Supplies	1,713.28
Nebraska Public Power District	Power Purchase	852,834.23
Nebraska Rural Water Association	Annual Dues	275.00
Nelson, Margie	Cleaning Service	500.00
Neopost	Postage	1,500.00
Paulsen, Inc.	Concrete	965.23
Peak Interest	Food	31.98
Platte Valley Communications	Service/Repairs/Pagers	2,809.44
Plum Creek Children's Literacy	Conference	30.00
Plum Creek Market Place	Food	27.16
Plum Creek Motors	Repair	468.62
Price's Tree Service	Tree Removal	650.00
Rieman Publications	Subscription	19.97
Roberts Dairy Company	Food/Beverages	263.60
S & W Auto Parts, Inc.	PK Supplies	23.86

Sensus Metering Systems	Software Support	1,320.00
Service Master Mid Nebraska	Cleaning Service	742.50
Source Gas, LLC	Gas Service	6,405.37
T. O. Haas Tire Co., Inc.	Tires/Repair	1,097.83
Taste of Home Books	Book	10.00
Thomas Bouregy & Company, Inc.	Books	139.50
Thompson Co., The	Food/Supplies	943.60
TierOne-Lib. Petty Cash	Postage	39.35
Tri-City Tribune	Publication	105.00
Tri-County Hospital	Ambulance Supplies/Wellness/Lab	385.00
U-Save Business Equipment	Supplies	69.57
Univar USA, Inc.	Sulfuric Acid	9,216.00
Wal-Mart	Supplies	81.94
American Fence Company, Inc.	New Soccer Field Fence	22,308.46
Audio Editions	Book	27.99
Barmore Drug Store Inc.	Lib. Supplies	21.99
Brown, Donnie	Electric Rebate	125.00
BSB Construction, Inc.	New Soccer Field Construction	2,940.00
Danko Emergency Equipment Co.	Fire Dept. Supplies	12.92
Dawn Chemical Corp.	Insecticide	208.38
Dawson County Public Power	Power Purchase/Racek Well	645.99
Depository Trust Company	02/04 Combined UTL Bond Pmt.	682,597.50
Electric Fixture	EL Supplies	38.17
EMS Billing Services, Inc.	Ambulance Service	1,127.20
Fagot Refrigeration & Electric	GGC/Pool/Serv.& Repair	316.17
Fisher Scientific	WWTP Supplies	803.77
Gale Group, The	Books	147.43
HD Supply Waterworks	WR Supplies	667.68
Health Claims Fund	Claims	10,589.42
Hoehner Turf	Soccer Field Sprinkler System	34,400.00
Jones Plumbing & Heating	GGC Service	74.00
KRVN - FM	Service Announcements	468.00
Lemmer Fencing	Fencing at LASWA	3,378.46
Lexington Animal Clinic	Animal Care	877.10
Lexington Newspapers, Inc.	Publications	1,375.45
Payroll	Wages	102,777.05
Social Security	Employer Portion / FICA Med	7,650.72
First National Bank	Employer Portion / Pension	3,342.14
First National Bank	Police Pension	1,660.39
Health Fund	Insurance Premiums	23,715.66
ICMA	City Manager Pension	392.30
Lien Lawn Services	Complete Lot Clean-up	2,000.00
Linden's Plumbing	Lib.Service	40.00
Linweld	Ambulance Supplies	168.48
Mac's Short Stop	Food	5.97
Mid-State Units	Rental	492.00
Municipal Supply	WR Supplies	586.96
Nebraska Department of Revenue	Sales & Use Tax	52,542.13
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,364.63
Nebraska Waste Handlers	Sludge Removal	15,111.00
North Platte Telegraph, The	Subscription	146.00
Overton Sand & Gravel	Fill Sand	385.84
Plum Creek Motors	Supplies/Repair	267.18
Plum Creek Promotions	Rec Shirts	1,771.60
Reader's Digest	Subscription	29.96
Reams Sprinkler Supply Company	PK Supplies	321.40
S & W Auto Parts, Inc.	Central Garage Supplies	1,408.71

Service Master Mid Nebraska	Cleaning Service	444.12
Steve's Lock & Key	Lib.Service	118.00
TierOne-City Petty Cash	Food/Repair/Postage	36.72
TierOne-Library Petty Cash	Postage	15.36
U-Save Business Equipment	Postage	31.52
United Health Care	Ambulance Refund	263.93
Wal-Mart	Supplies	197.92
Ward Laboratories	WR Samples	26.00
Weathercraft Companies	Repair	261.32
Zeleski, Rose Mary	Electric Rebate	1,025.00
	<b>TOTAL CLAIMS:</b>	<b>2,033,882.47</b>

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to sit as a Board of Equalization to consider certain assessments. Peplitsch reported on the demolition process on the property located at 704 West 9<sup>th</sup> and the subsequent costs. Following discussion, the public hearing was closed.

**ORDINANCE:** An ordinance entitled "AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTY; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION AND PAMPHLET FORM" was read by title. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2252 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2252 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**BUDGET HEARING:** Mayor Fagot opened a public hearing to consider the proposed 2008-2009 fiscal year budget. Peplitsch reviewed the proposed budget. Following discussion, the public hearing was closed.

**RESTRICTED FUNDS:** Peplitsch requested approval to increase the base of restricted funds by an additional 1%. Following discussion, moved by Miller, seconded by Salem, to increase the base of restricted funds by an additional 1% for FY 2009. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**TAX REQUEST HEARING:** Mayor Fagot opened a public hearing to consider setting the FY 2009 final tax request at a different amount than the prior year request. Following discussion, the public hearing was closed. Resolution 08-18 was read before Council. Moved by Salem, seconded by Tomasek, to approve Resolution 08-18. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

#### **RESOLUTION NO. 08-18**

#### **A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2008-2009 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of

Equalization unless the Governing Body of the city of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the city of Lexington by a majority vote resolves that:

1. The 2008-2009 property tax request is set at \$767,603.00.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2008.

PASSED AND APPROVED this 9th day of September 2008.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**APPROPRIATION ORDINANCE:** Council considered adoption of the annual appropriation bill for FY 2009. An ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2008-2009. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read. Following discussion, moved by Tomasek, seconded by Bennett to suspend rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2253 was read by title. Moved by Bennett, seconded by Tomasek, to approve Ordinance No. 2253 on final reading. Roll call. Voting "aye" were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

**ORDINANCE:** An ordinance entitled "AN ORDINANCE TO VACATE THAT PORTION OF TYLER STREET LYING BETWEEN EAST 12<sup>TH</sup> STREET AND EAST 11<sup>TH</sup> STREET; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read by title. Peplitsch reported that the street would be vacated to allow the Lexington School District to utilize the space near Pershing Elementary in accordance with their current and future planning. Following discussion, moved by Salem, seconded by Miller, moved to approve the ordinance on first reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**ORDINANCE:** An ordinance entitled "AN ORDINANCE TO VACATE THAT PORTION OF SOUTH LINCOLN STREET LYING BETWEEN WEST MAPLE STREET AND WEST WALNUT STREET; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read by title. Peplitsch reported that the street would be vacated to allow the Lexington School District to utilize the space near Morton Elementary in accordance with current and future plans. Following discussion, moved by Tomasek,

seconded by Bennett, to approve the ordinance on first reading. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**CERTIFICATE:** Daniels requested Council consideration of a Certificate of Substantial Completion for the Spring Creek Reinforced Concrete Box Culvert project. Following discussion, moved by Miller, seconded by Salem to approve the certificate as presented. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**CHANGE ORDER:** Daniels requested Council consideration of Change Order #1 for the Handicap Ramp Improvement project. Following an update of the project, moved by Bennett, seconded by Miller, to approve Change Oder #1 as presented. Roll call. Voting "aye" were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

**PAY REQUEST:** Daniels requested Council consideration for Pay Request #4 (Final) from TL Sund Constructors for the Handicap Ramp Improvement project in the amount of \$15,932.25. Following discussion, moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**CERTIFICATE:** Daniels presented the Certificate of Substantial Completion for the Handicap Ramp Improvement project and requested Council approval, which would start the warranty period. Following discussion, moved by Miller, seconded by Salem, to approve the certificate as presented. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**CHANGE ORDER:** Daniels requested Council consideration of Change Order #1 for the CED Addition Paving project. Following an update of the project, moved by Miller, seconded by Tomasek, to approve Change Order #1 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**PAY REQUEST:** Daniels requested Council consideration of Pay Request #3 (Final) from Paulsen Inc for the CED Addition Paving project in the amount of \$220,989.25. Following discussion, moved by Salem, seconded by Miller, to approve the pay request as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**CERTIFICATE:** Daniels presented the Certificate of Substantial Completion for the CED Addition Paving project. Following discussion, moved by Salem, seconded by Bennett, to approve the certificate as presented. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

**ROUNDTABLE:** Pepplitsch gave an update on several ongoing projects, including the soccer field improvements, pedestrian/bike trail, and the season end evaluation of the aquatic center.

Burnside also gave an update of the skate pad expansion and the upgrade of water service in Centennial Park.

Weinhold noted that the sale of foreclosed properties has been moved to October 8th. This is an issue that will need to be discussed by the council at a future 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.

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Deputy City Clerk