

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 28, 2009, at the Lexington Municipal Building, located at 406 E. 7th 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 Kearney Hub and the Lexington Clipper-Herald. Also in attendance were Dennis Fleming and Bill Brecks.

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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 4-14-09 Minutes of the Regular meeting held Tuesday, April 14, 2009, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

MINUTES – PLANNING SESSION 4-11-09 Minutes of the Planning Session held Saturday, April 11, 2009 were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$957,859.66 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 \$246,460.96 from the General Fund, \$35,000.00 from Economic Development, \$95,096.20 from TIF, \$4,042.50 from ED Reuse, \$499,102.18 from LEXUS, \$28,196.83 from Sanitation, \$11,700.05 from Landfill, \$5,276.06 from Ambulance Fund, \$26,277.14 from Health Fund, and \$6,707.74 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 28, 2009**

ABDO Publishing Company	Books	1084.80
AFLAC	Premium	1016.91
Alamar Uniform Co.	Uniform Expense	179.20
Alltel	Service	86.11
Awards Plus	Tree Board Expense	29.00
Baird Holm LLP	Professional Services	100.00

Bernie & Pat's Custom Frame Shop	Tree Board Expense	56.31
Best Books, Inc.	Books	145.60
Brody Chemical	ST Supplies	408.67
Business Card	Supplies	800.50
Buxton	Retail Study	35,000.00
Card Center/Orscheln	WWTP Supplies	65.43
Cash-Wa Distributing	Food & Supplies	702.77
Central Garage Fund	Service/Repair	4,035.22
Dan's Sanitation	Sanitation Fees	1,640.00
Dannehl, Sue	EL Rebate	900.00
Davis Energy, Inc.	Fuel	2,710.50
Dawson Area Development	Feasibility Study/Membership	13,809.38
Dawson County Handibus	Transportation	62.00
Dawson Tire Service & Sales	Central Garage Supplies	125.00
Dugan Business Forms	Office Supplies	377.30
Eakes Office Plus	Lib. Supplies	599.00
Eilers Machine & Welding	Repair	175.13
Estrada, Raul Juan Manuel, Jr.	Utility Refund	175.51
Fagot Refrigeration & Electric	WWTP/Fire Dept. Repairs	545.85
Farmer Brothers Coffee	Food & Supplies	134.50
Fastenal	WR Supplies	15.15
FYR-TEK	Fire Dept. Helmets	2,800.00
G & V Inc.	Haul Junk	540.00
Gale Group, The	Books	132.68
Gnirk Lawn Care, Inc.	Ground Sterilant	930.00
HD Supply Waterworks	WR Supplies	869.74
Health Claims Fund	Claims	18,385.07
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
IES Industrial dba Kayton Electric	Repair/Remove Ball Field Light Poles	18,885.00
Ingram Library Services	Books	186.57
Lexington Area Solid Waste Agency	Landfill	1,366.38
Lexington Newspapers	Publications	315.37
Lexington True Value	Bldg Insp/Cem/Central Garage Supp	276.53
Lexington Utilities System	Utilities	26,427.28
Payroll	Wages	96,122.16
Social Security	Employer Portion / FICA Med	7,098.50
First National Bank	Employer Portion / Pension	3,202.96
First National Bank	Police Pension	0.00
ICMA	City Manager Pension	399.23
Mead Lumber & Rental-Lexington	Bldg Insp/Cemetery Supplies	167.17
Menards-Kearney	Lib. Supplies	145.00
Mid-Nebraska Food Bank	Food	70.78
Miller & Associates	Pro Services/SW Rate Study	6,800.00
Moore Medical	Ambulance Supplies	724.80
Morris Press	Office Supplies	450.76
Motor Midwest	Central Garage Supplies	270.00
Municipal Automation & Control	WWTP Supplies	2,401.45
NE DOL/Boiler Inspection Program	WWTP Service	72.00
Nebraska Machinery	Central Garage Supplies	179.88
Neopost	Postage	1,500.00
Olsson Associates	Professional Service	292.01
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete/Gravel	355.03
Physio-Control, Inc.	Ambulance Supplies	393.74
Platte Valley Communications	ST Supplies	45.00
Plum Creek Market Place	Food	78.31
Rasmussen Mechanical Services, Inc.	Lib. Service	1,775.00

Roberts Dairy Company	Beverages/Food	305.14
S & W Auto Parts, Inc.	Central Garage/ST Supplies	678.41
Service Master of Mid Nebraska	Lib./GGC Cleaning Service	2,950.00
Sign Pro	Fire Dept. Supplies	30.00
Smith Law Office	Professional Service	285.00
State Wide Collections	Collection Fees	442.04
Sterling West	PK Supplies	759.60
Subway Sandwiches & Salads	Food	37.88
TASC	Premium	190.00
Team Detail & Quicklube	Car Wash/Uniform Expense	25.99
Thompson Co., The	Food & Supplies	1,342.84
TierOne-Lib. Petty Cash	Postage	78.92
Tri-County Hospital	EL Rebate	1,025.00
Tri-County Shrine	Promotion	100.00
U-Save Business Equipment	Supplies	528.87
UN-L Extension	Seminar	20.00
Village Uniform	GGC Supplies	88.19
Wal-Mart	Supplies	434.71
Weathercraft Companies	Building Repair	4,182.00
Wesco Distribution, Inc.	EL Supplies	115.56
Burnside, Dennis	Conference	424.67
Card Center/Orscheln	Aquatic Center/PK Supplies	42.86
Cash-Wa Distributing	Food & Supplies	1,769.61
Central Fire & Safety, Inc.	Inspection/Replacement/Service	3,921.50
Community Redevelopment Authority	Land Purchase/Property Taxes	95,096.20
Dan's Sanitation	Sanitation Fees	28,196.83
Demco	Lib. Supplies	103.18
Depository Trust Co.	2004 GO/2008 Combined UTL	111,383.07
Eakes Office Plus	Copies	585.48
Election Systems & Software, Inc.	Election Supplies	1,616.49
Electric Fixture	PK Supplies	91.38
EMS Billing Services, Inc.	Ambulance Service	1,051.06
Farmer Brothers Coffee	Food & Supplies	400.58
FYR-TEK	Fire Dept. Supplies	141.44
Gale Group, The	Books	45.44
Hawkins Inc.	Aquatic Center Chemicals	1,204.20
Health Claims Fund	Claims	6,685.16
Holbein, Dahlas	Lawn Service	165.00
Ingram Library Services	Books	357.38
International Code Council	Books	932.05
Lexington Volunteer Fire Dept.	Ambulance Fees	2,816.46
Lexington, City of	Franchise Fees	50,823.18
Lynn Peavey Company	Police Supplies	89.50
Mellen & Associates, Inc.	WWTP Supplies	1,423.00
Meyer Laboratory, Inc.	ST Supplies	170.37
Mid-American Research Chemical	GGC Supplies	107.51
Milco Environmental Services, Inc.	WR Analysis/Disp.Site/WWTP/Landfill	12,711.99
Nebraska Dept. of Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Public Power District	O & M	67,000.00
Nebraska Public Power District	Capital Projects	226,601.76
Paulsen Inc.	White Rock/Concrete	231.20
Plum Creek Laser Wash	Car Washes	14.00
Plum Creek Market Place	Food	36.59
Q-Star Technology LLC	Surveillance Equipment	14,218.00
Roberts Dairy Company	Food & Beverages	250.28
Service Master of Mid Nebraska	Cleaning Service	143.75
T. O. Haas Tire Company, Inc.	Tires	380.90

Thompson Co., The	Food & Supplies	791.04
TierOne Bank	CED Addition Payment	46,607.65
TierOne-City Petty Cash	Postage/Food/Fuel	34.74
TierOne-Lib. Petty Cash	Postage	15.70
U-Save Business Equipment	GGC Supplies	70.00
Unique Books, Inc.	Books	1,340.24
Wal-Mart	Supplies	367.33
	TOTAL CLAIMS:	957,859.66

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a special use permit application by Dennis Fleming to move buildings on to an R-1 zoned residential lot located at 1504 North Taylor. Peplitsch reviewed the proceedings from the Planning Commission. Mr. Fleming outlined his plans for the buildings for the Council which includes a storage building and a garage, and removing three smaller storage sheds. The public hearing was closed. Council members discussed possible provisions for a special use agreement to be reviewed at the next council meeting.

NW DETENTION CELL:

Dana Daniels presented close out documents from Adams Construction for the Northwest Detention Cell project for Council consideration. He reviewed Change Order #2 for a deduction of \$4,649.50, the final pay request of \$77,843.82, and the Certificate of Substantial Completion. He gave a review of the project and recommended approval of the close-out documents. Following discussion, moved by Miller, seconded by Bennett, to approve Change Order #2 as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

Moved by Tomasek, seconded by Miller, to approve Final Pay Request as presented. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

Moved by Tomasek, seconded by Bennett, to approve the Certificate of Substantial Completion as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch presented the Financial Report for March 2009. Following discussion, moved by Bennett, seconded by Tomasek, to approve the Financial Report as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Tomasek, seconded by Miller, to go into executive session at 5:56 p.m. to discuss the annual job performance review of the city manager. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

Moved by Bennett, seconded by Miller, to come out of executive session at 6:19 p.m. Roll call. Voting "aye" were Tomasek, Salem, Miller, Bennett, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch reported that there will be a meeting with the school building and grounds committee on May 8, 2009, at 8 a.m. for discussion the soccer fields and the DC Opportunity Center. He also gave an update of the renovation plans for the police department.

Burnside gave an update on new equipment at the Arbor Skate Park.

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