

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 8, 2009, 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 Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills and Deputy City Clerk Pamela Berke.

**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 11-24-09** Minutes of the Regular meeting held Tuesday, November 24, 2009, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**MINUTES – PLANNING SESSION 12-5-09** Minutes of the Planning Session held Saturday, December 5, 2009, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,669,146.05 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$542,157.78 from the General Fund, \$7,385.00 from TIF, \$1,074,417.50 from LEXUS, \$10,000.00 from Sanitation, \$5,837.99 from Landfill, \$2,359.61 from Ambulance Fund, \$26,255.03 from Health Fund, and \$733.14 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 8, 2009**

All Points Cooperative	Fuel/Propane	76.95
All-American Sewer & Drain Cleaning	SW Service	400.00
Anderson Graphics	Lib. Supplies	61.55
Annie's Attic Books	Books	61.73
Audio Editions	Books	8.00
Axis Capital, Inc.	Mail Machine Pmt.	527.37
B2 Environmental, Inc.	Asbestos Inspection	1,240.00
Bennett, Joni	Conference	25.72

Card Center/Orscheln	PK/WWTP Supplies	213.92
Cash-Wa Distributing	Supplies	186.00
Central Garage Fund	Fuel/Service/Repair	11,193.58
Comfort Inn	Conference	251.84
Dan's Sanitation	Sanitation Fees	11,004.79
Davis Energy, Inc.	Fuel	5,200.10
Downey Drilling, Inc.	WWTP Supplies	26.70
Dugan Business Forms	Supplies	749.25
Eakes Office Plus	Lib. Supplies	471.59
EDM Publishers, Inc.	Subscription	98.78
Electric Fixture & Supply	Lib. Supplies	143.18
Electronic Systems, Inc.	Lib. Service	40.00
Gale Group, The	Books	342.68
Grand Island Independent, The	Subscription	186.00
Health Claims Fund	Claims	17,665.36
Ingram Library Services	Books	938.43
Jim Phillips Const.	5th & Wash./Cattleman Dr.	10,630.00
Jones Plumbing & Heating	WR/WWTP Supplies	1,828.61
Lerner Publishing Group	Books	293.28
Lexington Animal Clinic	Animal Care	435.60
Lexington Health Fund	Self-funding	31,847.94
Lexington Newspapers, Inc.	Publications	443.34
Lexington Postmaster	Postage/Box Fee	260.00
Lexington True Value	WR/Fire Dept. Supplies	29.58
Lexington, City of	Franchise/Service Fees	61.05
Payroll	Wages	99,680.16
Social Security	Employer Portion / FICA Med	7,390.71
First National Bank	Employer Portion / Pension	3,251.17
First National Bank	Police Pension	1,719.27
ICMA	City Manager Pension	414.23
Marshall Cavendish Corporation	Books	600.85
Matt Friend Truck Equipment	Central Garage Supplies	939.85
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP/ST/Fire Dept. Supplies	583.94
Meritain Health	Premium	20,864.66
Milco Environmental Service, Inc.	Disposal Site	2,208.30
Miller & Associates	WWTP Service	3,934.05
Moore Medical	Ambulance Supplies	486.73
Nebraska Environmental Product	Central Garage Supplies	732.25
Nebraska National Bank	Copier Pmts.	1,162.83
Nebraska Public Power District	Power Purchase	682,453.31
Nebraska Waste Handlers	Sludge Removal	5,256.00
Nelson, Margie L.	Cleaning Service	500.00
Paulsen, Inc.	PK/ST Supplies	2,049.80
Pinnacle Agency, The	Premium	161,795.00
Platte Valley Auto Mart	Repair	71.34
Platte Valley Communications	Maint./Repair/Supplies	196.47
Platte Valley Laboratories	WWTP Tests	122.50
Plum Creek Cleaners	Supplies	227.50
Pony Express Chev/Buick/Olds	Police Car	23,725.26
Principal	Dental Premium	1,475.78
Roberts Dairy Company	Beverages	81.90
S & W Auto Parts, Inc.	WWTP/Central Garage Supplies	520.33
Sign Pro	Police Supplies	140.00
SourceGas, Inc.	Gas Service	6,134.03
Steve's Lock & Key	Repair	120.30
Sund, Dennis	Boots	14.75

T. O. Haas Tire Co., Inc.	Tires/Repair	749.23
Taste of Home Books	Book	24.98
Tep's Bar & Grill	Gift Certificates	625.00
TierOne-Lib. Petty Cash	Postage/Food/Supplies	59.25
U-Save Business Equipment	Postage/Supplies	64.98
Vet's Club Steakhouse	Gift Certificates	500.00
Village Uniform	GGC Supplies	14.20
Vinny's Hometown Auto Care	Fire/Ambulance Service	607.00
Wal-Mart	Supplies	262.59
Weathercraft Companies	Repair	153.01
Winter Equipment Company	Central Garage Supplies	372.54
Wolf, Tracy	Conference	267.95
Zoll	Fire Dept. Supplies	105.00
Business Office Systems, Inc.	Lib.Service/Repair/Supplies	503.53
Canales, Salvador	EL Rebate	1,175.00
Culligan Water Conditioning Co.	Soft Water Supplies	122.22
Dan's Sanitation	Sanitation Fees	1,440.00
Dawson County Public Power	Power Purchase	406.46
Demars Gordon Olson & Zalewski	Professional Service	971.00
Depository Trust Co.	09 Combined Util/08 GO Bond	417,396.30
Dutton-Lainson Company	EL Supplies	146.07
Eakes Office Plus	Lib.Supplies	164.13
Electric Fixture & Supply	ST Supplies	24.66
EMS Billing Services, Inc.	Ambulance Service	1,625.15
Fagot Refrigeration & Electric	Repair	410.86
Fagot, John	Conference	196.38
Flowers of Joy	Supplies	41.00
G & V Inc.	Bldg. Demolition	3,000.00
Gould, Stanley E.	Soccer Field Stadium Imp.	4,900.00
Great Plains One-Call Service	Locates	48.95
Health Claims Fund	Claims	6,469.29
Homestead Bank	Wesleyan Land Pmt.	42,268.44
Ingram Library Services	Books	116.11
James N. Marshall Engineering	Soccer Field Stadium Imp.	2,025.00
Lexington Area Solid Waste Agency	Landfill	4,027.92
Lexington Newspapers, Inc.	Subscription	48.00
Lexington Postmaster	Box Fee	220.00
Linweld	Ambulance Supplies	41.95
Madeline's Café	Food	16.95
Mead Lumber & Rental-Lexington	WWTP Supplies	11.96
Mid-State Units	Rental	80.00
Milco Environmental Service, Inc.	WR Analysis	3,629.69
Miller & Associates	Municipal Bldg.Renovation	157.50
Morris Press	GGC Supplies	73.00
Municipal Supply	WR Supplies	353.22
Nebraska Department of Revenue	Sales & Use Tax	38,095.57
Neopost	Postage	1,500.00
North Platte Telegraph, The	Subscription	146.00
Price's Tree Service	Bldg. Demolition	4,000.00
Ramallo, Carlos	EL Rebate	300.00
Service Master of Mid Nebraska	Cleaning Service	569.96
Steve's Lock & Key	Service	45.00
T. O. Haas Tire Co., Inc.	Repair	15.00
TASC	Annual Fees	644.60
TierOne-City Petty Cash	Supplies/Postage	28.93
TierOne-Lib. Petty Cash	Postage/Food	23.30
Tri-County Glass, Inc.	Lib.Repair	1,580.00

U-Save Business Equipment	Supplies/Postage	153.80
Verizon Wireless	Cellphone Service	122.73
Wal-Mart	Supplies	69.50
	<b>TOTAL CLAIMS:</b>	<b>1,669,146.05</b>

**CDBG ADMINISTRATION:** Peplitsch presented Council with a proposal from Dawson Area Development for CDBG general administration services for the Downtown Revitalization Study. He noted this was the only proposal received. Following discussion, moved by Salem, seconded by Tomasek, to award the contract to Dawson Area Development and authorize Mayor and City Manager to execute required documents. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**CDBG SPECIAL CONDITIONS:** Peplitsch presented documents related to special conditions for the CDBG 09-DTR-004 Downtown Revitalization Study. He explained these include the Environmental Review, Authorization to Request Funds, Financial Management Certification, Procurement Standards, Excessive Force Certification, and Fair Housing Policy. Following discussion, moved by Miller, seconded by Tomasek, to authorize the Mayor and City Manager to execute the CDBG Special Conditions documents. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**SOCCKER BUILDING:** Peplitsch presented bids received for the Soccer Field Restroom Facility, noting that Paulsen Inc. was the low bidder on the project. He noted that the bids were substantially higher than anticipated costs. Following discussion, moved by Miller, seconded by Salem, to reject the bids received and authorize the city manager to negotiate a contract for the project with the lowest bidder. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**SUBDIVISION AGREEMENT:** Peplitsch reviewed a Subdivision agreement for Northwest Third Addition. Following discussion, moved by Tomasek, seconded by Bennett, to approve the subdivision agreement and to authorize the Mayor to execute documents on behalf of the city as a subdivider. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**DEVELOPMENT AGMT:** Peplitsch presented a development agreement between Greater Lexington Corp and the City for the Northwest Third Addition. Weinhold noted an error in one of the legal descriptions. Following discussion, moved by Miller, seconded by Bennett, to approve the development agreement with a correction to the legal description in Paragraph 2. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**SANITATION RATES:** Resolution No. 09-29 was presented for Council consideration. Peplitsch explained that Dan’s Sanitation is requesting a 4% increase for residential garbage collection services. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 09-29 as presented. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**RESOLUTION NO. 09-29**

WHEREAS, Section 22-7 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

WHEREAS, an increase in operating expenses justifies an increase in existing rates.

BE IT THEREFORE RESOLVED, that effective January 1, 2010, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$13.50 per month, plus an administrative charge of \$0.50, for a total of \$14.00 per month.

BE IT FURTHER RESOLVED, that effective January 1, 2010, the charge for residential customers who are single and 65 years of age or older shall be \$11.50, plus administrative charge of \$0.50, for a total of \$12.00 per month.

PASSED AND APPROVED this 8th day of December, 2009.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read by title. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2275 was read by title on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2275 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**APPOINTMENTS:**

The following appointments to boards and commissions were presented for Council approval:

Board of Adjustment – Leo Gonzalez

Planning Commission – Cathy Fagot

Curt Bennett

Housing Authority – Cindy Wheeler

Tree Board – Gordon Sellin

Library Board – Gail Bedunnah

Marian Berke

Patricia Longly

Board of Health – Environmental Health Officer - Bill Brecks

Community Redevelopment Authority – Gail Hall

Following discussion, moved by Salem, seconded by Tomasek, to approve the slate of appointments as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**CEMETERY CHARGES:**

Resolution No. 09-30 was presented for Council consideration. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 09-30 as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Resolution No. 09-30

WHEREAS, it is necessary to revise the charges for use of City cemeteries.

BE IT, THEREFORE, RESOLVED, that the following schedule of charges for City cemeteries shall be applicable immediately upon adoption of the Resolution:

GREENWOOD

	RESIDENT	NON-RESIDENT
One (1) Space	\$200.00	\$400.00
Baby Space	\$100.00	\$200.00

EVERGREEN

	RESIDENT	NON-RESIDENT
One (1) Space	\$100.00	\$200.00
Baby Space	\$60.00	\$120.00

GRAVE OPENINGS

	WEEKDAY	WEEKEND/HOLIDAYS
Adult	\$300.00	\$400.00
Baby	\$100.00	\$125.00
Cremation	\$100.00	\$125.00
Disinterment (Adult)	\$300.00	\$400.00
Disinterment (Baby)	\$100.00	\$125.00

PASSED AND APPROVED this 8<sup>th</sup> day of December, 2009.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

**17<sup>TH</sup> STREET PAVING:**

Peplitsch reviewed closeout documents for the 17<sup>th</sup> Street Paving project.

Moved by Salem, seconded by Miller, to approve Change Order #1 for \$2,520.00. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Tomasek, to approve Pay Request #1 (Final) from Paulsen Inc. for \$78,465.50. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

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

**MONROE STREET:**

Peplitsch reviewed closeout documents for the Monroe Street Paving Improvement project.

Moved by Bennett, seconded by Salem, to approve Change Order #1, for a \$86,393.70 deduction. Roll call. Voting "aye" were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.

Moved by Salem, seconded by Tomasek, to approve Pay Request #2 (Final) from Paulsen Inc. for \$251,258.85. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, 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:**

Pepplitsch presented the financial report for October 2009. Following discussion, moved by Salem, seconded by Tomasek, to accept the report as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch advised that updated electric and water utility rates will be on the next meeting agenda. He noted that LVFD has invited council members to attend training activities. Potential dates for a planning session in January will be sent to the Council.

Burnside reported that subscription to the city's newsletter is increasing; a project to email to school faculty and students is underway.

Berke noted that the employee awards banquet is scheduled for January 16, 2010, with further details to follow. Reservations have been made for the Midwinter Conference for Council and staff that will be attending.

**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