

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 14, 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 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, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald. Also in attendance were Coleman Evans, Sheila Evans, and Todd Chessmore.

**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 6-23-09** Minutes of the Regular meeting held Tuesday, June 23, 2009, 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.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,615,680.20 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 \$410,057.62 from the General Fund, \$25,000.00 from the Economic Development Fund, \$12,375.84 from ED Reuse, \$1,133,166.84 from LEXUS, \$10,000.00 from Sanitation, \$1,973.50 from Landfill, \$5,118.76 from Ambulance Fund, \$15,676.74 from Health Fund, and \$4,284.40 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  
July 14, 2009

Ace Irrigation and Mfg. Co.	PK Supplies	472.00
Alamar Uniform Co.	Uniform Expense	83.90
All Points Cooperative	Fuel/Supplies	1,271.17
Alltel	Service	132.07
Anderson Graphics	Supplies	15.00
Allen, Andrew K.	Utility Refund	462.56
Associated Pool Builders, Inc.	Clean Pool	7,540.00
Associated Supply Company, Inc.	Aquatic Center Supplies	691.18
Awards Plus	Rec Supplies	173.60
Awards Unlimited	Rec Supplies	284.90
Axis Capital, Inc.	Mail Machine Payment	527.37

B & D Office City	Office Supplies	74.08
Barmore Drug Store, Inc.	Office Supplies	160.49
Berke, David	Mowing Service	255.00
Better Homes And Gardens	Books	66.82
Business Office Systems, Inc.	Office Supplies	231.14
Card Center/Orscheln	Central Garage/WWTP Supplies	245.09
Cash-Wa Distributing	Supplies/Food	8,215.14
Central Fire & Safety, Inc.	GGC Service	202.50
Central Garage Fund	Fuel/Repairs	14,277.78
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	3,242.00
Conney Safety Products	Safety Glasses	450.60
Cook's Illustrated	Subscription	28.95
Coventry	Ambulance Refund	320.84
Cozad Carpet Cleaning and Restoration	Cleaning Service	215.92
Culligan Water Conditioning Co.	Soft Water Supplies	188.34
D & R Computing	Office Supplies	52.99
Dan's Sanitation	Sanitation Fees	11,259.82
Danko Emergency Equipment Co.	Fire Dept. Supplies	53.00
Davis Energy, Inc.	Fuel/Propane	5,114.89
Dawson County Court	Court Fees	14.00
Dawson County Handibus	Transportation	48.00
Dawson Pest Control	GGC Service	35.00
Dawson Public Power	Power Purchase	7,931.34
Dell Marketing, L P	Supplies	71.00
Delta Dental of Nebraska	Premium	1,412.85
Demars Gordon Olson & Zalewski	Professional Service	629.57
Diamond Vogel Paint	ST/PK Supplies	5,081.98
Eakes Office Plus	Library Supplies	592.68
EMS Billing Services, Inc.	Ambulance Service	1,889.59
Fox Bros. Hay Co., Inc.	Tree Grinding	4,169.55
G & V Inc.	Haul Debris	1,080.00
Gale Group, The	Books	158.24
Gnirk Lawn Care, Inc.	Lawn Care	585.14
Great Plains One-Call Service	Locates	65.58
HD Supply Waterworks	WR Supplies	368.64
Health Claims Fund	Claims	12,422.62
Holbein, Dahlas	Lawn Service	550.00
Hometown Brand Center	Fire Dept. Supplies	174.99
Hometown Leasing	Copier Payments	561.94
International Institute of Municipal Clerks	Membership Dues	150.00
Ingram Library Services	Books	843.30
Jakes Toro Sprinklers	Repair	234.07
John Deere Credit	WWTP Tractor Payment	7,316.99
Jones Plumbing & Heating	WWTP/WR Supplies	914.38
Kratzer Electric, Inc.	PK Service	360.00
Landmark Implement, Inc.	Central Garage Supplies	112.35
Lexington Area Solid Waste Agency	Landfill	1,419.84
Lexington Baseball Association	Advertising	1,000.00
Lexington Health Fund	Self-Funding	33,080.08
Lexington Newspapers, Inc.	Publications	464.26
Lexington Postmaster	Postage	150.00
Lexington True Value	Fire Dept./Cemetery/ST Supplies	316.40
Lexington Volunteer Fire Dept.	Ambulance Fees	2,662.47
Lexington, City of	Franchise/Service Fees	47,718.70
Payroll	Wages	133,433.49
Social Security	Employer Portion / FICA Med	9,962.59
First National Bank	Employer Portion / Pension	3,236.22

First National Bank	Police Pension	1,472.48
ICMA	City Manager Pension	408.46
Linda's Stitches & Laser Art	Caps	204.00
Linweld	Ambulance Supplies	98.00
Lisa's Instant Print Service, Inc.	EL Dept. Supplies	205.71
Little Caesars	Food	54.85
Mac's Short Stop	Rec Food	351.48
Matt Friend Truck Equipment	Central Garage Supplies	140.80
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	PK/WR/ST/Cem.Supplies	1,600.81
Meritain Health	Premium	20,610.81
Mid-Nebraska Food Bank	Food	38.54
Morris Press	GGC/Rec Supplies	179.00
Mr. Automotive	Supplies	6.07
Municipal Supply	WR Supplies	698.42
Naumann, Sondra	Cleaning Service	132.00
Nebraska Amateur Softball Association	Softball Tournament Supplies	174.00
NE Conf of Building Officials/Inspectors	Conference	100.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	12,375.84
Nebraska Environmental Products	Central Garage Supplies	396.00
NE Public Power District/Dawson Canal	Coverage Pump & Tap	4,498.60
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,335.00
Nebraska Waste Handlers	Sludge Removal	5,402.00
Nelson, Margie	Cleaning Service	500.00
Neopost	Postage	1,500.00
Newsweek	Subscription	60.00
NTV	Advertising	1,495.00
Outdoor Recreation Products	ST Supplies	302.00
Overton Community Center	Meals on Wheels	100.00
Oxmoor House	Book	36.91
Paulsen, Inc.	Concrete	2,108.43
Platte Valley Communications	Service/Repairs	326.70
Plum Creek Laser Wash	Car Washes	21.00
Plum Creek Market Place	Food	27.02
Plum Creek Promotions	St. Softball Tournament T-Shirts	4,065.45
Pollution Control Systems	SW Repair	536.40
Presto-X LLC	Library Service	80.00
Rasmussen Mechanical Service, Inc.	Service/Repair	1,210.52
Roberts Dairy Company	Beverages	354.30
S & W Auto Parts, Inc.	Central Garage/WR Supplies	1,014.63
Schwan's Sales Ent	Food	89.12
Service Master Mid Nebraska	Cleaning Service	444.12
Sickels, Dixie	Red Cross Training	910.00
Sirchie Finger Print Lab	Police Supplies	51.76
Source Gas, LLC	Gas Service	3,635.73
Sport Supply Group, Inc.	PK Supplies	463.98
State Wide Collections	Collection Fees	305.40
Sterling West	PK Supplies	571.90
Steve's Lock & Key	Aquatic Center Repair	308.27
T. L. Sund Constructors, Inc.	ST Repair	1,780.00
T. O. Haas Tire Co., Inc.	Tire	57.92
Team Detail & Quicklube	Car Washes	43.98
Technical Maintenance & Service	WWTP Computer Repair	3,140.00
Thomas Bouregy & Company, Inc.	Books	139.50
Thompson Co., The	Food & Supplies	1,152.63
TierOne-Lib. Petty Cash	Postage	21.04
Total Lawn Care	Lawn Service	3,795.00

Tri-City Tribune	Publication	208.00
Tri-County Hospital	Wellness	143.00
U-Save Business Equipment	Supplies	344.21
Village Uniform	GGC Supplies	14.20
Wal-Mart	Supplies	807.56
Wolf, Tracy	Conference	203.30
Aesseal, LLC	WWTP Supplies	774.19
Alltel	Service	52.61
American Cancer Society	Softball Tourn-Support Personnel	250.00
Anderson Graphics	Storm Water Management Service	65.00
Berens-Tate Consulting Group	Bond Legal Expense	3,500.00
Berke, David	Mowing Service	175.00
Bernal, Raymond	Electric Rebate	1,025.00
Business Card	Food/Conference	288.73
Buxton	Retail Study	25,000.00
Card Center/Orscheln	WWTP/PK/ST Supplies	220.19
Case Credit Advantage	Central Garage Supplies	49.50
Cash-Wa Distributing	Food & Supplies	1,008.00
Central Community College	CPR Classes	891.00
Central Garage Fund	Service/Repair	6,361.73
Davis Energy, Inc.	Fuel	5,212.50
Dawson County Handibus	Transportation	66.00
Dawson County Surveyor	Plat Copies	12.00
Eilers Machine & Welding	WWTP Supplies	107.47
Fagot Refrigeration & Electric	WWTP Supplies/Pool Service	68.92
Golden Horse LTD	Book	13.61
Hach Company	Testing Supplies	211.64
HD Supply Waterworks	EL/WR/Cem. Supplies/Repair	1,534.21
Health Claims Fund	Claims	1,841.27
Ingram Library Services	Books	239.43
Jim Phillips Const.	ST Repair	1,400.00
Jones Plumbing & Heating	WWTP/PK Service	953.00
KIKI Magazine	Subscription	26.00
Landmark Implement, Inc.	Central Garage Supplies	2,790.74
Leetch Tree Service	Trim Trees From EL Lines	14,500.00
Lexington Girls Fast Pitch Association	Softball Tourn-Support Personnel	500.00
Lexington Animal Clinic	Animal Care	880.80
Lexington Newspapers, Inc.	Publications	28.21
Lexington Recreation Program	Start-up-Swim Meet	350.00
Lexington Truck & Auto	Central Garage Supplies	115.00
Lexington True Value	ST/Cem. Supplies	147.45
Payroll	Wages	134,309.56
Social Security	Employer Portion / FICA Med	10,029.63
First National Bank	Employer Portion / Pension	3,244.31
First National Bank	Police Pension	1,637.67
ICMA	City Manager Pension	408.46
Linweld	Ambulance Supplies	57.95
Mac's Short Stop	Food	104.87
McGinley, Morgan	Electric Rebate	1,175.00
Mead Lumber & Rental-Lexington	PK/WWTP/ST Supplies	233.42
Miller & Associates	Hike-Bike Trail	7,981.99
Nebraska Department of Revenue	Sales & Use Tax	42,219.48
Nebraska Public Power District	Power Purchase	909,033.06
Nebraska Public Power District	Vehicle Repair	236.95
Pinedo, Julio	Electric Rebate	1,025.00
Platte Valley Communications	Security Camera/Repair	5,237.79
Plum Creek Cleaners	Supplies	241.50

Plum Creek Promotions	T-Shirts	420.20
Prairie Sports Association	Softball Tournament Entry Fee	50.00
Reader's Digest	Subscription	9.98
Reminisce	Subscription	19.97
S & W Auto Parts, Inc.	Central Garage/Police Supplies	238.09
Schwan's Sales Ent	Food	108.51
Service Master Mid Nebraska	Cleaning Service	70.00
Sport Supply Group, Inc.	PK Supplies	140.38
Steve's Lock & Key	WR Supplies/Service	152.90
Summit Supply Corporation	Aquatic Center/PK Supplies	3,346.00
T. O. Haas Tire Co., Inc.	Tires	121.82
Team Detail & Quicklube	Car Wash	21.99
TierOne-City Petty Cash	Supplies/Food/Postage/Uniform	72.84
TierOne-Library Petty Cash	Postage	43.81
Time	Subscription	3.00
U-Save Business Equipment	Supplies/Postage/UPS	1,146.06
Wal-Mart	Supplies	331.52
Wal-Mart Vision Center	Safety Glasses	349.00
Western Engineering Company, Inc.	ST Supplies	680.45
	<b>TOTAL CLAIMS:</b>	<b>1,615,680.20</b>

Mayor Fagot welcomed Coleman Evans who is working on a Citizenship Badge for Boy Scouts.

**RESOLUTION:**

Resolution No. 09-16 was presented for Council consideration. Following a review of the requirements of a federal aid transportation project by Peplitsch, moved by Tomasek, seconded by Salem, to approve Resolution No. 09-16 as presented. Roll call. Voting "aye" Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

**Resolution No. 09-16**

**Whereas:** Certain transportation facilities (roads, streets, trails, and others) in the City of Lexington have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto, and,

**Whereas:** The City of Lexington desires to continue to participate in Federal-Aid transportation construction programs, and,

**Whereas:** The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds, and,

**Whereas:** The City of Lexington as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

**Whereas:** The City of Lexington understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared

ineligible for federal funds, which could result in the City of Lexington being required to repay some or all of the federal funds expended for a project(s).

**Be It Therefore Resolved:** The City Council of the City of Lexington, Nebraska does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

**Be It Further Resolved:** The City Council of the City of Lexington, Nebraska does hereby designate the following as responsible for the management of the following process:

Consultant selection process: City Manager

The National Environmental Policy Act (NEPA): City Manager

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): City Manager

The following individual is hereby authorized to execute the Financial Management Systems Certification attached to this Resolution: Joe Peplitsch

PASSED AND APPROVED this 14<sup>th</sup> day of July, 2009.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

Attest: Pamela Berke, Deputy City Clerk

**AGREEMENT:**

Peplitsch presented a revised Joint Use Agreement with the Lexington School District for the Opportunity Center. Todd Chessmore, School Superintendent, explained the school's funding requirements to improve the facility for school use. The revised joint use agreement amends the rental clause between the city and the school district. Following discussion, moved by Miller, seconded by Bennett, to approve the agreement as presented and authorized the mayor to execute the document. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING ALONG SEGMENTS OF A PEDESTRIAN TRAIL AND ALONG FRONTIER STREET; TO REPEAL ORIGINAL SECTION 16-45 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Peplitsch explained that the revisions are needed to complete the Pedestrian Bike Trail project and to limit congestion on the access road near

the Super Wal-Mart shopping area. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Tomasek, Salem. Voting "no" were Miller, Fagot. Motion failed.

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

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT PROGRAM; TO CREATE A CITIZENS ADVISORY REVIEW COMMITTEE; TO DESIGNATE A MUNICIPAL OFFICIAL AS PROGRAM ADMINISTRATOR; TO PROVIDE FOR MEETINGS OF THE CITIZENS ADVISORY REVIEW COMMITTEE; TO PROVIDE FOR AMENDMENT OF THE ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Following discussion, moved by Salem, seconded by Miller, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2264 was presented for Council consideration. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2264 on final reading. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

**CONSERVATION  
EASEMENT:**

Council reviewed a request by the Central Platte NRD on a proposed conservation easement for property within the City's zoning jurisdiction. Following discussion, moved by Miller, seconded by Tomasek, to direct the issue to the Planning Commission for review and comment at their next regular meeting. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**PAVING DISTRICT:**

Council and Staff discussed creating a gap paving district on East 17<sup>th</sup> Street between Monroe and Jefferson Streets. Staff will contact residents in the area to discuss the project.

**BUDGET DISCUSSION:**

Council and Staff reviewed a draft of the Fiscal Year 2010 General Fund budget, including equipment and capital improvement plans.

**ROUNDTABLE:**

Pepplitsch gave an update on several current projects.

Burnside reported that his LPA training continues and the Arbor Park playground equipment has been received and will be installed in the near future.

Fagot reported that the Dawson Area Development 20<sup>th</sup> Anniversary Banquet has been scheduled for August 14, 2009.

**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