

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 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 John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. City Attorney Will Weinhold was absent. The press was represented by the Kearney Hub and the Lexington Clipper-Herald. Also in attendance were Dana Daniels, Deb Jensen, Irving Hiatt, and Gordon and Joyce Rimpley.

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 7-14-09 Minutes of the Regular meeting held Tuesday, July 14, 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 \$361,772.71 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 \$192,545.99 from the General Fund, \$126,945.42 from LEXUS, \$25,297.97 from Sanitation, \$1,148.24 from Ambulance Fund, \$11,450.88 from Health Fund, and \$4,384.21 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 28, 2009**

AFLAC	Premium	985.51
Alamar Uniform Co.	Uniform Expense	78.44
Alltel	Service	67.59
Anderson Graphics	Library Supplies	93.75
Area Services	SW Service	200.00
Associated Supply Company, Inc.	Freight	255.56
Avalos, Oscar	EL Rebate	1,025.00
Barajas, Pablo	EL Rebate	425.00
Berke, David	Mowing Service	75.00
Business Card	Conference/WR/ST/PK Supplies	2,013.74
Business Telecommunication Systems	Repair	170.00

Case Credit Advantage	ST/Central Garage Supplies	905.11
Cash-Wa Distributing	Food & Supplies	3,824.11
Central Garage Fund	Service/Repair	6,630.32
Coca Cola/Dr Pepper Bottling Kearney	Beverages	248.00
Dan's Sanitation	Sanitation Fees	3,360.00
Davis Energy, Inc.	Fuel/Rec Supplies	3,841.41
Dawson County Court	Court Fees	42.00
Eakes Office Plus	Library/Police/EL Supplies	841.04
Electric Fixture	PK/EL Supplies	60.75
EZ Liner Industries	Central Garage Supplies	161.11
Fagot Refrigeration & Electric	Repair	1,985.16
Farmer Brothers Coffee	Food & Supplies	271.12
Fastenal	WWTP/Fire Dept. Supplies	149.58
Follett Software Co.	Library Supplies	160.00
FYR-TEK	Fire Dept. Service/Supplies	1,463.13
Gale Group, The	Books/Subscription	2,667.97
General Binding Corporation	Library Supplies	187.47
Hach Company	Testing Supplies	281.73
HD Supply Waterworks	WR Supplies	912.81
Health Claims Fund	Claims	7,714.17
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
Holiday Inn	Conference	210.00
Ingram Library Services	Books	1,222.10
Jakes Toro Sprinklers	Repair	79.50
Kriz-Davis Company	Meters	877.40
Landmark Implement, Inc.	WWTP/Central Garage Supplies	124.66
Lexington Newspapers	Publications	262.55
Lexington True Value	Cemetery/Bldg. Inspection Supplies	371.70
Lexington Utilities System	Utilities	31,228.92
Lexington Volunteer Fire Dept.	Ambulance Fees	455.91
Linda's Stitches & Laser Art	Shirts	260.91
Mac's Short Stop	Food & Supplies	75.35
MCI A Verizon Company	Telephone Service	10.87
Mead Lumber & Rental-Lexington	WWTP Supplies	9.90
Miller & Associates	Retainer Service	800.00
Moore Medical	Ambulance Supplies	472.33
Municipal Supply, Inc.	ST Supplies	184.87
Nebraska Library Commission	Library Supplies	2,453.37
NE Public Health Environmental Lab	WR Tests	578.00
Nutrition Action Healthletter	Subscription	20.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	2,135.50
Penworthy Company	Books	1,245.63
Platte Valley Auto Mart	Repair	687.70
Plum Creek Motors	Repair	1,029.60
Progressive Business Publications	Subscription	230.00
Roberts Dairy Company	Beverages	310.79
Rockmount Research & Alloys	Central Garage Supplies	201.09
S & W Auto Parts, Inc.	WWTP/Central Garage Supplies	1,267.46
Schwan's Sales Ent	Food	99.92
Service Master of Mid Nebraska	Library/GGC Cleaning Service	3,028.75
Sign Pro	Aquatic Center Supplies	91.00
Steve's Lock & Key	Locks & Keys	130.50
Subway Sandwiches & Salads	Food	38.87
T.O. Haas Tire Co., Inc.	Tires/Repair	876.57
TASC	Premium	171.00
Taste of Home Books	Book	30.24

Team Detail & Quicklube	Car Care	79.95
Thompson Co., The	Food & Supplies	1,257.03
TierOne-Lib. Petty Cash	Postage/Book/Food	105.86
Trans-Lux	Repair	73.00
Tyler Technologies	Software Maintenance	10,246.00
U-Save Business Equipment	Supplies	732.26
Village Uniform	Aquatic Center Supplies	14.20
Wal-Mart	Supplies	741.44
Wesco Distribution, Inc.	EL Supplies	821.76
Ace Irrigation and Mfg. Co.	ST Supplies	98.47
Central Garage Fund	Service/Repair	177.57
Dan's Sanitation	Sanitation Fees	25,297.97
Egan Supply Company	Janitorial Supplies	164.35
Electric Fixture	WWTP Supplies	37.48
Fisher Scientific	Testing Supplies	855.58
FYR-TEK	Supplies	42.79
Glaze, Gary	Boots	61.52
H D Supply Waterworks	WR Supplies	1,049.80
Health Claims Fund	Claims	2,580.20
Jim Phillips Const.	ST Repairs	13,968.25
Lexington, City of	Franchise Fees	65,142.52
Payroll	Wages	125,672.22
Social Security	Employer Portion / FICA Med	9,368.78
First National Bank	Employer Portion / Pension	3,223.84
First National Bank	Police Pension	1,524.97
ICMA	City Manager Pension	408.46
Mead Lumber & Rental-Lexington	WR/WWTP Supplies	90.30
National League of Cities	Membership Dues	1,489.00
Nebraska Machinery	Central Garage Supplies	87.02
NPPDist/Dawson Canal	Coverage Pump & Tap	112.96
Nelson, Thomas R.	Conference	232.00
Neopost	Postage	1,500.00
Nebraska Library Association	Conference	84.00
Paulsen, Inc.	Concrete	80.00
Rasmussen Mechanical Service	Service/Repair	567.93
TierOne-City Petty Cash	Postage/Food/Uniform Expense/Conference	59.59
TierOne-Lib. Petty Cash	Postage	17.67
U-Save Business Equipment	Postage	3.26
Wal-Mart	Supplies	233.17
	TOTAL CLAIMS:	361,772.71

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 second reading. Peplitsch reported that he had not received any comments on the proposed ordinance. Joyce Rimpley expressed her support of the ordinance. Following discussion, moved by Salem, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2265 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2265 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

SPECIAL USE PERMIT:

Mayor Fagot opened a public hearing to consider a Special Use Permit application by Irving Hiatt for Westminster Woods, Lot 2. Irving Hiatt gave a review of the intended use for the property which would include a meeting/reception hall and dance studio. Pepplitsch noted that a single family dwelling is not a permitted use in an M-1 zone as included in the application. Discussion regarding the special use permit being tied to the building and property was held. Joyce Rimpley, a neighbor, commented on the progress of the cleanup of the area done by the Hiatts. She did question if there is intent to apply for a liquor license to go with the property. Mr. Hiatt stated that there is no intent to apply for a liquor license. The public hearing was closed. Following discussion, moved by Miller, seconded by Tomasek, to approve the application contingent upon a special use permit agreement to be approved by applicant and city council. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

Rimpley requested that any future development of the Westminster Woods area include signage designating county roads and traffic controls.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to discuss a status update on current CDBG programs which include Monroe Street Paving Improvements and Owner Occupied Rehabilitation Program. Deb Jensen, DAD, gave an update on each project as required in the grant awards. She reported that the concrete work has been completed on the Monroe Street Improvement project and the asphalt overlay work will begin in September. The grant has a completion deadline of March 2010. She reported that this is the third round of grant funding for the OOR program; to date 40 houses have been rehabilitated in Lexington. This grant is scheduled to close in January 2010. With no further public comment, the public hearing was closed.

BID AWARD:

Dana Daniels, Miller & Associates, presented the bid tabulation for the Legend Oaks Infrastructure Improvements project. He noted that Paulsen Inc. was the low bidder at \$115,533, and recommended awarding the contract. Following discussion, moved by Salem, seconded by Bennett, to accept the bids as presented and award a contract to Paulsen Inc. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

BID AWARD:

Daniels presented the bid tabulation for the Optimist Soccer Field Stadium Improvements project. He noted that Paulsen Inc was the low bidder on this project at \$44,297, and recommended awarding a contract. Following discussion, moved by Miller, seconded by Salem, to accept the bids as presented and award a contract to Paulsen Inc. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

OPPORTUNITY CENTER PHASE I:

Pepplitsch requested Council approval of plans and specifications, as well as authorization to solicit bids for the Opportunity Center Phase I Improvements project. Following discussion, moved by Miller, seconded by Tomasek, to approve the plans and specifications and authorized the city manager to solicit bids for the Opportunity Center Phase I Improvements

project. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

AIRPORT BUDGET REQUEST: Peplitsch requested approval of a resolution allocating levy authority to the Lexington Airport Authority for Fiscal Year 2010, which is an annual request. The resolution was read, following discussion, moved by Salem, seconded by Bennett, to approve Resolution No. 09-17. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-17

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$120,000.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2009-2010.

Passed and approved this 28th day of July 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

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

ROUNDTABLE: Peplitsch gave an update on several current projects. He also noted that budget discussions with the council will continue in August.

Burnside reported that he has contacted a majority of the property owners that would be affected by gap paving on East 17th Street. He also noted that a series of advertisements touting energy efficiency have been ordered for print and radio.

Bennett reported that she will be absent from the August 11, 2009, council 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.

Deputy City Clerk