

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 12, 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 Steve Tomasek, Joni Bennett, Linda Miller and John Salem. Mayor John Fagot was absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Financial Director Barb Mills and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub and the Lexington Clipper-Herald.

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 Vice President Tomasek. Tomasek 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 4-28-09 Minutes of the Regular meeting held Tuesday, April 28, 2009, were presented for Council approval. Moved by Bennett, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,099,508.33 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 \$189,143.61 from the General Fund, \$59,298.00 from Economic Development, \$8,333.34 from ED Reuse, \$801,095.06 from LEXUS, \$10,000.00 from Sanitation, \$3,058.17 from Ambulance Fund, \$25,733.81 from Health Fund, and \$2,846.34 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 12, 2009**

Ace Irrigation and Mfg. Co.	Hike-Bike Trail Material	732.78
All Points Cooperative	Fuel/Propane	3,378.04
Alltel	Service	132.23
Axis Capital	Mail Machine Payment	527.37
B & D Office City	Supplies	51.76
Bader Insulation & Sandblasting, Inc.	Aquatic Center Painting Project	15,450.00
Barmore Drug Store, Inc.	Media Equipment	399.99
Barnes Distribution	ST Supplies	224.23
Bennett Advertising Specialties	Police Supplies	54.00
Bottom Line Personal	Subscription	39.00

Card Center/Orscheln	WWTP/ST Supplies	234.93
Case Credit Advantage	Central Garage Supplies	34.52
Cash-Wa Distributing	Food & Supplies	926.39
Central Garage Fund	Fuel	10,979.74
Central Tire & Tread	Tire	557.99
Certified Laboratories	Central Garage Supplies	206.46
Coca-Cola/Dr. Pepper Bottling of Kearney	Beverages	40.00
Conney Safety Products	ST Supplies	238.75
Crouch Recreational Design, Inc.	Playground Equipment	8,394.00
Culligan Water Conditioning Co.	Soft Water Supplies	210.62
Dan's Sanitation	Sanitation Fees	12,585.82
Davis Energy, Inc.	Oil	1,059.95
Dawson County Court	Court Fees	14.00
Dawson County Register of Deeds	Filing Fees	15.50
Dawson Pest Control	GGC Service	35.00
Dawson Public Power District	Power Purchase	7,412.91
Deeter Foundry, Inc.	ST Supplies	640.00
Delta Dental of Nebraska	Premium	1,412.85
Demars Gordon Olson & Zalewski	Professional Service	2,486.23
Dorado-Carrillo, Merced	Utility Refund	10.94
Dunrite, Inc.	WWTP Supplies	60.38
Election Systems & Software, Inc.	Election Supplies	30.00
Electronic Systems	Lib. Service	40.00
EMS Billing Services, Inc.	Ambulance Service	1,658.95
Fairbanks International, Inc.	2009 Bobcat	6,100.00
Fox Bros. Hay Co., Inc.	Tree Grinding	5,096.25
FYR-TEK	Fire Dept. Supplies	192.00
Gale Group, The	Books	115.55
Hach Company	Testing Supplies	927.95
Harry Ferris Company	WWTP Service	1,260.00
Health Claims Fund	Claims	22,994.30
Heartland Scuba Center	Scuba Tanks Inspection	392.80
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	584.87
Jones Plumbing & Heating	GGC/WR/WWTP Repair/Supplies	232.18
Knapp Electric	WWTP Supplies	3,089.54
Kratzer Electric, Inc.	Service	260.00
Landmark Implement, Inc.	WWTP/Central Garage Supplies	64.95
Lexington Animal Clinic	Animal Care	864.70
Lexington Area Solid Waste Agency	Landfill	1,114.20
Lexington Glass Co.	Repair	150.00
Lexington Newspapers, Inc.	Publications	1,213.15
Lexington Postmaster	Postage	150.00
Lexington Public Schools	Seminars	10.00
Lexington Recreation Program	Pool/Rec Start-Up/Umpire Fees	3,980.00
Lexington True Value	Supplies	263.98
Lexington, City of	Franchise/Service Fees	47,758.80
Payroll	Wages	96,718.95
Social Security	Employer Portion / FICA Med	7,144.11
First National Bank	Employer Portion / Pension	3,191.13
First National Bank	Police Pension	0.00
ICMA	City Manager Pension	399.23
Linda's Stitches & Creations	Uniform Expense	306.00
Linweld	Ambulance Supplies	137.98
Matt Parrott and Sons Co.	Office Supplies	214.25
MC 2, Inc.	WWTP Supplies	473.45
McCookNet Internet Service	Service	139.00

Mead Lumber & Rental-Lexington	PK/Cem./Aquatic Center Supplies	275.93
Meritain Health	Premium	20,346.78
Mid-State Units	Rental	492.00
Morris Press	GGC Supplies	76.00
Municipal Supply	WR Supplies	917.17
Murphy Tractor & Equipment	Central Garage Supplies	1,666.39
Nebraska Dept. of Economic Development	Mid Plains CDBG Payments	8,333.34
Nebraska Public Power District	Power Purchase	640,925.49
Nebraska State Recycling Association	Membership Dues	250.00
Nebraska Waste Handlers	Sludge Removal	4,672.00
Nelson, Margie L.	Cleaning Service	500.00
Original Lifeguard, Inc.	Swimsuits/Supplies	1,852.50
Overton Sand & Gravel	Fill Sand	28.38
Oxbow Construction	Secondary Digester Rehab.	4,979.50
Paulsen, Inc.	Concrete	330.29
Platte Valley Communications	Service/Repair	444.99
Plum Creek Motors	Police Repairs	3,343.51
Presto-X LLC	Lib. Service	80.00
Roberts Dairy Company	Beverages	237.40
Rodale, Inc.	Book	39.94
S & W Auto Parts, Inc.	Supplies	366.05
Service Master Mid Nebraska	Cleaning Service	379.12
Source Gas, LLC	Gas Service	10,237.75
Teledyne Isco, Inc.	WWTP Supplies	860.00
Thomas Bouregy & Company, Inc.	Books	139.50
Thompson Co., The	Food & Supplies	905.98
TierOne-Lib. Petty Cash	Postage/Seminars	49.86
Tnemec Company, Inc.	Aquatic Center Paint	2,431.37
Total Lawn Care	Lawn Service	1,947.00
Tri-County Hospital	Wellness	187.00
U-Save Business Equipment	Postage/Supplies	693.55
Upstart	Lib. Supplies	45.95
Village Uniform	GGC Supplies	15.20
Wal-Mart	Supplies	1,015.09
Willard Weinhold Law Office	Expense Reimbursement	151.64
American Girl	Subscription	22.95
Anderson Graphics	Lib. Supplies	46.85
Blue Cross Blue Shield of Nebraska	Ambulance Refund	119.37
Card Center/Orscheln	WWTP Supplies	25.98
Council for Economic Development	Loan for Lexington Business Center	59,298.00
Dutton-Lainson Company	Light Poles	3,056.00
Electric Fixture	ST Supplies	92.00
Gempler's, Inc.	ST Supplies	278.95
Great Plains One-Call Service	Locates	72.54
HD Supply Waterworks	WR Supplies	160.47
Health Claims Fund	Claims	1,326.66
International City Management Association	Membership Dues	1,201.60
Ingram Library Services	Books	60.29
Jim Phillips Const.	ST Repair	2,921.00
Keim, Bob	Freon Removal	90.00
Lexington Newspapers, Inc.	Publications	49.60
Lexington Volunteer Fire Dept.	Seminar	567.40
Linweld	Ambulance Supplies	51.98
Midwest Laboratories, Inc.	WWTP Tests	1,630.00
Naumann, Sondra	Cleaning Service	145.25
Nebraska Department of Revenue	Sales & Use Tax	40,978.23
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,457.83

Plum Creek Cleaners	Supplies	180.00
S & W Auto Parts, Inc.	ST Supplies	20.40
TierOne-City Petty Cash	Food/Postage/Uniform Expense	35.73
TierOne-Library Petty Cash	Postage	3.51
U-Save Business Equipment	Postage	4.95
Wal-Mart	Supplies	17.53
	TOTAL CLAIMS:	1,099,508.33

SPECIAL USE AGREEMENT: A special use agreement with Dennis Fleming for buildings moved onto his property at 1504 N Taylor was presented for Council consideration. Peplitsch reviewed the issue and highlighted the terms of the agreement. Following discussion, moved by Miller, seconded by Bennett to approve the special use agreement as presented. Roll call. Voting “aye” were Salem, Bennett, Miller, Tomasek. Motion carried.

RESOLUTION: Resolution 09-13 was presented for Council consideration. Following discussion, moved by Miller, seconded by Salem, to update the person authorized to Steve Tomasek, Vice President, in place of John Fagot in his absence to execute the documents. Roll call. Voting “aye” were Bennett, Salem, Miller, Tomasek. Motion carried.

Moved by Miller, seconded by Salem, to approve Resolution 09-13 as amended. Roll call. Voting “aye” were Bennett, Salem, Miller, Tomasek. Motion carried.

RESOLUTION NO. 09-13

WHEREAS, the City has by Ordinance No. 2261 approved the sale of the following described real estate owned by the City, to-wit:

The South 78.6 Feet of Lots 7 and 8, in Block 19, MacColl and Leflang’s Second Addition to the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and Vice-President of the Council of the City of Lexington, Nebraska, that Steve Tomasek, as Vice-President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to COUNCIL FOR ECONOMIC DEVELOPMENT, the purchaser thereof.

PASSED AND APPROVED this 12th day of May, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: Steve Tomasek, Vice-President

ATTEST: Pamela Berke, Deputy City Clerk

ORDINANCE: An ordinance entitled “AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read by title. 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 Bennett, Miller, Salem, Tomasek. Motion carried.

Ordinance No. 2263 was read by title. Moved by Bennett, seconded by Miller, to approve Ordinance No. 2263 on final reading. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek. Motion carried.

ROUNDTABLE:

Peplitsch gave an update on several current projects. Salem requested a tour of public facilities at a future planning session.

ADJOURNMENT:

There being no further business to come before the Council, Vice President Tomasek declared the meeting adjourned.

Steve Tomasek
Vice President

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