

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 9, 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 Steve Tomasek, Joni Bennett, and John Salem. Linda Miller was absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub. Also in attendance were Diane Adams, Nathan Bruner, Clemente Salazar and Jose Bravo.

**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 5-26-09** Minutes of the Regular meeting held Tuesday, May 26, 2009, were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$631,174.32 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 \$414,563.76 from the General Fund, \$5,150.00 from the TIF Fund, \$4,042.50 from ED Reuse, \$8,826.15 from Housing Reuse, \$159,766.08 from LEXUS, \$10,000.00 from Sanitation, \$1,973.50 from Landfill, \$250.62 from Ambulance Fund, \$23,720.40 from Health Fund, and \$2,881.31 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
June 9, 2009

Alltel	Service	132.07
American Red Cross-Ft. Kearney Chapter	Lifeguard Training	663.84
Associated Supply Company, Inc.	Pool Chemicals & Supplies	5,623.22
Awards Plus	Fire Dept. Supplies	35.00
Axis Capital	Mail Machine Payment	527.37
B & D Office City	Supplies	81.64
Berke, David	Mowing Service	50.00
Buyism Sod	Sod	192.00
Card Center/Orscheln	PK/WR/ST Supplies	327.29
Cash-Wa Distributing	Food & Supplies	4,488.71
Central Garage Fund	Fuel	5,375.24

Coca-Cola/Dr. Pepper Bottling of Kearney	Beverages	2,276.00
Community Action Partnership of Mid-NE	Utility Refund	60.00
Culligan Water Conditioning Co.	Soft Water Supplies	197.74
Dan's Sanitation	Sanitation Fees	11,241.82
Dawson County Court	Court Fees	14.00
Dawson County Handibus	Transportation	58.00
Dawson County Register of Deeds	Filing Fees	89.50
Dawson Pest Control	GGC Service	35.00
Delta Dental of Nebraska	Premium	1,412.85
Depository Trust Co.	2008 GO Bond Pmt.	172,982.50
Diaz, Salomon	Mowing Service	145.00
Dugan Business Forms	Office Supplies	1,400.60
Ed Roehr Safety Products	Police Supplies	162.31
Evans, Alyssa	Red Cross Book	48.15
FYR-TEK	Fire Dept. Supplies & Air Trailer	15,019.11
Galls, Inc.	Fire Dept. Supplies	254.97
Gnirk Lawn Care, Inc.	Lawn Care	325.00
Grace Lutheran Church	EL Incentive Program	1,620.00
Hawkins, Inc.	Pool Supplies	564.60
Health Claims Fund	Claims	19,936.43
Holbein, Dahlas	Lawn Care	890.00
Holiday Inn	Conference	3,630.00
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	1,060.39
International Code Council, Inc.	Membership Dues	100.00
International Municipal Lawyers Assn	Membership Dues	480.00
Jones Plumbing & Heating	Pool/WR/WWTP/GGC Spls-Rep	4,744.35
Kully Pipe and Steel Supply	WWTP Supplies	89.46
Lexington Area Solid Waste Agency	Landfill	1,452.60
Lexington Health Fund	Self-Funding	32,881.66
Lexington Newspapers, Inc.	Publications	591.88
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	101.94
Lexington, City of	Franchise/Service Fees	47,746.58
Payroll	Wages	119,062.03
Social Security	Employer Portion / FICA Med	8,858.44
First National Bank	Employer Portion / Pension	3,292.01
First National Bank	Police Pension	0.00
ICMA	City Manager Pension	408.46
Linden's Plumbing	Repair	55.00
Linweld	Ambulance Supplies	101.00
Luther, Alexis	Red Cross Book	48.15
Lynn Peavey Company	Police Dept. Supplies	22.45
Mac's Short Stop	Food & Supplies	43.56
Maguire, Max	Mowing Service	50.00
Matt Parrott and Sons Co.	Office Supplies	843.39
McCookNet Internet Service	Service	274.20
Mead Lumber & Rental-Lexington	WWTP/ST Supplies	22.04
Meritain Health	Premium	20,525.57
Meyer Laboratory, Inc.	Pool Supplies	204.08
Midwest Radar & Equipment	Repair	175.00
Miller & Associates	Bike-Hike Trail	10,720.00
Monter, Emilee	Red Cross Book	48.15
Morton, Allyn	OOR Housing	8,826.15
NE Dept. of Health & Human Services	Utility Refund	3,533.34
Nelson, Margie L.	Cleaning Service	500.00
NTV	Advertising	1,495.00

NWEA	Conference	110.00
Original Lifeguard, Inc.	Pool Supplies	1,329.00
Outdoor Recreation Products	Playground Equipment	5,126.50
Overton Sand & Gravel	White Rock	454.39
Oxmoor House	Book	36.91
Peak Interests LLC	Food	72.20
Pepplitsch, Joe	Seminar	148.69
Platte Valley Communications	Supplies	22.56
Plum Creek Laser Wash	Car Washes	21.00
Plum Creek Market Place	Food	8.31
Reutlinger, Corey	Red Cross Book	48.15
Roberts Dairy Company	Beverages	223.45
Schwan's Sales Ent	Food	57.55
Sculley, Sarah	Red Cross Book	48.15
Service Master Mid Nebraska	Cleaning Service	602.87
Steve's Lock & Key	Keys	32.96
Sund, Dennis	Boots	14.75
T. O. Haas Tire Co., Inc.	Tires	371.00
Taste of Home Books	Book	32.95
Thompson Co., The	Food & Supplies	318.54
TierOne-Lib. Petty Cash	Postage	52.01
Tingelhoff, Tiffany	Red Cross Book	48.15
Total Lawn Care	Lawn Service	3,341.00
Trans-Lux	PK Supplies	1,068.70
Tri-City Tribune	Publication	120.00
U-Save Business Equipment	Postage/Supplies	153.81
Village Uniform	GGC Supplies	14.20
Wal-Mart	Supplies	1,072.36
All Points Cooperative	Fuel/Fertilizer	1,172.44
Arnold Pool Company	Pool Supplies	42.90
Awards Plus	Cemetery Supplies	406.00
Berke, David	Mowing Service	125.00
Cash-Wa Distributing	Pool/Rec Supplies	492.20
Coca Cola/Dr. Pepper Bottling of Kearney	Pool Beverages	816.00
Community Redevelopment Authority	Ford & Ford-TIF	5,150.00
Davis Energy, Inc.	Fuel	4,805.84
Dawson County Sheriff	Sheriff's Sale	137.13
Dawson Public Power	Power Purchase	6,874.22
Deleon, Gloria	Vehicle Repair	712.11
Electric Fixture	Pool Supplies	12.11
Fagot Refrigeration & Electric	GGC Repair	212.71
Great Plains One-Call Service	Locates	59.72
Health Claims Fund	Claims	2,371.12
Jim Phillips Const.	Hike-Bike Trail	10,720.00
Jones Plumbing & Heating	Rec Center Service	150.00
Landmark Implement, Inc.	PK Supplies	393.00
Lawson Products, Inc.	ST Supplies	161.01
Lexington Animal Clinic	Animal Care	1,342.80
Lexington Newspapers, Inc.	Publications	241.76
Lien, Inc.	Library Supplies	128.80
Linweld	Ambulance Supplies	66.10
Mac's Short Stop	Rec Supplies	117.26
McCook Community College	Registration Fee	95.00
Mead Lumber & Rental-Lexington	Bldg Insp/ST Supplies	446.16
Mid-State Units	Rental	492.00
Midwest Laboratories, Inc.	Landfill	1,973.50
Midwest Striping, Inc.	ST Supplies	3,713.00

Miller & Associates	Invoice Correction	-10,720.00
Misko Sports	Rec Supplies	359.50
Mr. Automotive	ST Supplies	73.54
Murphy Transportation	Fire Dept.Supplies	950.00
Nebraska Dept. of Economic Development	Orthman's CDBG Payment	4,042.50
Nebraska Department of Revenue	Sales & Use Tax	40,113.04
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,325.61
Nebraska Waste Handlers	Sludge Removal	5,256.00
Paulsen, Inc.	White Rock for Hike-Bike Trail	969.58
Platte Valley Communications	Service/Repair	1,120.50
Plum Creek Cleaners	Supplies	241.00
Reader's Digest	Subscription	27.96
RTC	WWTP Supplies	342.00
S & W Auto Parts, Inc.	Police Dept. Supplies	11.84
Schwan's Sales Ent	Pool Supplies	109.30
Source Gas, LLC	Gas Service	7,193.04
Straka, Mike	EL Rebate	1,175.00
TierOne-City Petty Cash	Food/Postage	24.16
TierOne-Library Petty Cash	Postage	14.51
Tri-County Hospital	Wellness	176.00
U-Save Business Equipment	ST Supplies	35.96
Wal-Mart	Supplies	187.97
Werner's Sprinklers	Fire Dept.Supplies	61.48
Wesco Distributing, Inc.	PK Supplies	775.00
	<b>TOTAL CLAIMS:</b>	<b>631,174.32</b>

**LIQUOR LICENSE:**

Mayor Fagot opened the public hearing to consider a Class “D” Liquor License application by Santos and Teresa Marquez dba Lexington Liquor Store, located at 601 Plum Creek Parkway. As the applicant was not represented at the time, the hearing was suspended to discuss other agenda items.

Following the completion all agenda items, the hearing resumed. No one was present to represent the applicant. Police Chief Clark reported incomplete information in the application. The public hearing was closed. Following discussion, moved by Salem, seconded by Tomasek, to forward no local recommendation to the Liquor Control Commission for the Class “D” Liquor License application as presented. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

**LIQUOR LICENSE:**

Mayor John Fagot opened the public hearing to consider a Class “I” Liquor License application by San Pedro Inc. dba San Pedro Mexican Restaurant, located at 2307 Plum Creek Parkway. Nathan Bruner, an attorney representing the corporation, reviewed the history of the business and plans for the restaurant, including training for the staff. Police Chief Clark reported incomplete information in the application. Bruner stated they were unaware of any issues, but would amend the application as needed. The public hearing was closed. Following discussion, moved by Salem, seconded by Tomasek, to forward no local recommendation to the Liquor Control Commission for the Class “I” Liquor License application as presented. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

**JAG GRANT:** Council received information regarding a grant application for a FY2009 Edward Byrne Memorial Justice Assistance Program Grant. Peplitsch explained the intent is to use approximately \$25,000 of grant funds, under ARRA, to acquire a new cruiser, with full police package. A public hearing for the grant application will be held at the June 23, 2009, council meeting.

**HOUSING AUTHORITY PILOT AGREEMENT:** Diane Adams, Lexington Housing Authority, requested waiver of the Payment in Lieu of Taxes agreement with the City of Lexington. Following discussion, moved by Bennett, seconded by Salem, to approve a waiver of the PILOT agreement for fiscal year ending June 30, 2008, and fiscal year ending June 30, 2009. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Fagot. Motion carried.

**MONROE ST IMPROVEMENTS:** Peplitsch recommended a contract award to Paulsen Inc. for the Monroe Street Improvement Project. He noted the scope of the project was slightly revised, and the contract price negotiated to fall within budget limitations. The completion date for the project would be October 31, 2009. Following discussion, moved by Tomasek, seconded by Bennett, to award a contract to Paulsen Inc. for the Monroe Street Improvement Project, in the amount of \$468,554, and authorize the execution of contract documents. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a report from the Citizens Advisory Review Committee. Peplitsch, representing the committee, reviewed the activity in the Lexington Economic Development Program over the last six months. There were no committee comments, findings, or recommendations at this time. Following discussion, moved by Tomasek, seconded by Bennett, to accept the report from the Citizens Advisory Review Committee. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**WEST CENTRAL AREA AGENCY ON AGING:** Peplitsch reviewed an operating contract with WCAAA for the Grand Generation Center Meals Program for FY 2010 with . Following a review of the program, moved by Tomasek, seconded by Salem, to approve the contract as presented and authorize the mayor to execute. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Fagot. Motion carried.

**MEETING DATE:** Following discussion, moved by Salem, seconded by Bennett, to schedule a planning session for Saturday, June 20, 2009, at 8 a.m. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried. Peplitsch requested topics for discussion.

**ROUNDTABLE:** Peplitsch gave an update on several current projects. Burnside reported new skate park equipment will be installed this week, and mentioned a new city website has been launched and is a work in progress.

**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