

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 27, 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 Mayor John Fagot, Steve Tomasek, Joni Bennett, Linda Miller, 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 and Kearney Hub. Joleen Linder was also present.

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 10-13-09 Minutes of the Regular meeting held Tuesday, October 13, 2009, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$632,850.95 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$158,758.76 from the General Fund, \$111,460.83 from Economic Development, \$5,322.16 from TIF Fund, \$77,653.71 from ED Reuse, \$73,611.21 from Housing Reuse, \$153,952.29 from LEXUS, \$25,604.58 from Sanitation, \$261.95 from Ambulance Fund, \$21,897.04 from Health Fund, and \$4,328.42 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 27, 2009

AFLAC	Premium	896.57
Alltel	Cellphone	67.36
American Water Works Assn	Membership Dues	295.00
Anderson Graphics	Lib. Service	71.00
Bennett Advertising Specialties	Bldg.Inspection Supplies	812.03
Bibliographical Center Research	Subscription	26.05
Bob's Auto Repair & Service	Repair	553.89
Business Card	Software Supplies	231.58
Card Center/Orscheln	Central Garage Supplies	49.98
Career Services, Inc.	Able Housing Project #2 & #3	73,611.21
Case Credit Advantage	WWTP Supplies	60.92

Cash-Wa Distributing	Food & Supplies	1,498.12
Central Garage Fund	Service & Repair	9,126.32
Certified Laboratories	Central Garage Supplies	348.91
Christian Book Distributors	Books	222.69
Community Redevelopment Authority	TIF Area #1 Paving Work	5,322.16
Dan's Sanitation	Sanitation Fees	1,800.00
Davis Energy, Inc.	Fuel	4,216.37
Dawson County Court	Court Fees	28.00
Demco	Lib.Supplies	105.45
Downey Drilling Inc.	Legend Oaks Dewatering	9,145.53
Eakes Office Plus	Copies	78.87
Ecolab	WWTP Supplies	1,120.28
Ed Roehr Safety Products	Police Supplies	705.38
Electric Fixture	ST Supplies	45.90
Eustis Body Shop	EL Incentive Program	1,350.00
EZ Liner Industries	Central Garage Supplies	199.16
Fastenal WR/Central	Garage Supplies	62.28
G & V Inc.	Haul Debris	1,845.00
Gale Group, The	Books	213.14
Gempler's, Inc.	WR Supplies	340.30
H & H Auto Salvage	Vehicle Parts	500.00
Health Claims Fund	Claims	19,766.69
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
Ingram Library Services	Books	221.43
Landmark Implement, Inc.	Central Garage Supplies	126.00
League of Nebraska Municipalities	Conference	569.00
Lexington Glass Co.	Aquatic Center/Fire Dept. Repair	525.00
Lexington Newspapers, Inc.	Publications	73.20
Lexington Truck & Auto	Central Garage Supplies	25.00
Lexington True Value	Bldg.Insp/Rec/Central Garage Supplies	123.91
Lexington Utilities System	Utilities	26,038.86
Lexington Volunteer Fire Dept.	Conference	3,427.50
Lexington, City of - Housing	Able House Funding	73,611.21
Lexington, City of	Service Fees	7,164.20
Payroll	Wages	98,170.52
Social Security	Employer Portion / FICA Med	7,272.54
First National Bank	Employer Portion / Pension	3,232.69
First National Bank	Police Pension	1,526.45
ICMA	City Manager Pension	414.23
Linweld	Ambulance Supplies	41.95
Madeline's Café	Food	92.95
McCookNet Internet Service	Repair	117.70
Mead Lumber & Rental-Lexington	WWTP Supplies	155.95
Mid Nebraska Trust Account	Land Purchase	4,500.00
Midwest Materials Co.	WR Supplies	603.15
Miller & Associates	Retainer Service	800.00
Morris Press	Rec.Supplies	130.00
Municipal Supply	SW Supplies	62.49
NE Dpt Economic Development	Orthman's CDBG Pmt.	4,042.50
NE Public Health Environmental Lab	WR Testing	3,174.00
Nebraska Library Commission	Subscription	707.91
Nebraska Machinery	Central Garage Supplies	443.98
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete	254.29
Plum Creek Cleaners	Supplies	215.00
Plum Creek Market Place	Food	4.35
Pollution Control Systems	SW Supplies-Legend Oaks Project	14,368.00

Presto-X, LLC	Fire Dept. Service	75.00
Rasmussen Mechanical Service	Lib.Repair	1,706.65
Resource Management Co., Inc.	Scrap Tire Collection	14,024.62
Roberts Dairy Company	Beverages & Food	405.08
S & W Auto Parts, Inc.	Central Garage Supplies	1,984.97
Service Master Mid Nebraska	Lib/GGC Cleaning Service	3,028.75
Sirchie Finger Print Lab	Police Supplies	147.63
Sund Investments LLC	Spec Bldg. Lot #2 Industrial Track	111,460.83
Sports Illustrated	Subscription	89.04
TASC	Premium	171.00
Team Detail & Quicklube	Car Wash	31.99
Thompson Co., The	Food & Supplies	1,317.81
TierOne-Lib. Petty Cash	Postage	60.65
U-Save Business Equipment	GGC/ST/EL Supplies/Postage	913.03
Village Uniform	Supplies	14.20
Wal-Mart	Supplies	239.89
Card Center/Orscheln	ST/WWTP/PK Supplies	102.67
Central Garage Fund	Service/Repair	308.62
Dan's Sanitation	Sanitation Fees	26,750.61
Eakes Office Plus	Lib. Supplies	43.44
Gould, Stanley E.	Soccer Field Stadium Imp.	4,520.00
Health Claims Fund	Claims	1,062.78
Ingram Library Services	Books	533.79
Kovels on Antiques & Collectibles	Subscription	27.00
Lexington, City of	Franchise/Service Fees	62,695.09
Linden's Plumbing	Aquatic Center Service	46.00
Midlands Contracting, Inc.	Liftstation Wet Well-Legend Oaks	11,708.33
Nebraska Municipal Clerks Assn	Membership Dues	35.00
OMB's Express Police Supply	Supplies	60.91
Service Master Mid Nebraska	Cleaning Service	950.00
State Wide Collections LLC	Collection Fees	20.57
Taste of Home Books	Book	29.98
TierOne-City Petty Cash	Postage/Food	49.26
TierOne-Library Petty Cash	Postage/Food	48.70
U-Save Business Equipment	Postage/UPS	33.67
Wal-Mart	Supplies	101.29
	TOTAL CLAIMS:	632,850.95

ORDINANCE:

An ordinance entitled “AN ORDINANCE TO REZONE BLOCK 1-7, NORTHWEST THIRD ADDITION, TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; TO REZONE BLOCK 8, NORTHWEST THIRD ADDITION TO R-3, MULTI-FAMILY RESIDENTIAL; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read on second reading. 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. 2270 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2270 as presented. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

MANAGER APPLICATION:

Joleen Linder, Bosselman Pump and Pantry, requested Council approval of a manager application to the Nebraska Liquor Control Commission in

connection with Pump and Pantry #21, 210 East 6th Street. She explained that she is the district manager for this area, thus necessitating her being named as the manager of the local store. She also explained the company's training program and their policies regarding alcohol sales. Following discussion, moved by Miller, seconded by Salem, to recommend approval of the manager application for Pump and Pantry #21. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

IMPROVEMENT DISTRICT: An Ordinance entitled "AN ORDINANCE CREATING IMPROVEMENT DISTRICT NO. 09-02, PROVIDING FOR GRADING, CONCRETE or ASPHALT PAVING, CURB AND GUTTER, AND DRAINAGE THEREIN; TO PROVIDE FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Peplitsch reviewed the boundaries and location of the district, as well as the process to complete such paving project. Following discussion, moved by Miller, second by Tomasek, to suspend the rules regarding the reading of ordinance on three separate occasions. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

Ordinance No. 2271 was read by title. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2271 on final reading. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

LEGEND OAKS: Peplitsch presented Pay Request #2 (Final) from Paulsen Inc. in the amount of \$5,505.65 for the Legend Oaks Infrastructure Improvements. Following discussion, moved by Miller, seconded by Salem, to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

Peplitsch presented a Certificate of Substantial Completion for the Legend Oaks Infrastructure Improvements. Moved by Tomasek, seconded by Bennett, to approve the certificate as presented. Roll call. Voted "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

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

MEETING DATE: Following discussion about scheduling a planning session, Staff was directed to forward possible dates for consideration.

ROUNDTABLE: Peplitsch gave current project updates on the Monroe Street Paving project, bleacher bids for the new soccer stadium, and retail development marketing materials.

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