

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 23, 2010, 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 Mayor John Fagot, Steve Tomasek, Joni Bennett, Linda Miller, and John Salem. City Officials present were City Manager Joe Pepplitsch, 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 the Kearney Hub. Also in attendance was Marc Munford, Ameritas.

**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 2-9-10** Minutes of the Regular meeting held Tuesday, February 9, 2010, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,402,524.63 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 \$211,872.37 from the General Fund, \$517,359.38 from LEXUS, \$26,970.08 from Sanitation, \$1,209.44 from Ambulance Fund, \$639,079.13 from Health Fund, and \$6,034.23 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 23, 2010

AFLAC	Premium	1,114.18
Alamar Uniform Co.	Uniform Expense	78.54
Anderson Graphics	Lib Supplies	58.75
ASK Supply Co.	ST Supplies	77.50
Audio Editions	CD Books	202.75
Benefit Consultants Group	Fire Dept Pension Service	2,400.00
Beringer Ciaccio Dennell Mabrey	D C Opportunity Center-Phase 2	8,958.57
Better Homes and Gardens	Book	17.43
Bibliographical Center for Research	Subscription	29.15
Business Card	Conference / WR Supplies	545.70
Card Center/Orscheln	WWTP / ST Supplies	316.63
Case Credit Advantage	Central Garage Supplies	289.76

Central Community College	CPR Class	42.00
Central Garage Fund	Service / Repair	3,778.20
Danko Emergency Equipment Co.	Fire Dept Supplies	49.15
Davis Energy, Inc.	Oil	131.14
Dawson County Handibus	Transportation	32.00
Dawson Public Power	Services Changes - Transformer	7,337.32
Eakes Office Plus	Lib Supplies	144.98
Electric Fixture & Supply	WWTP Supplies	111.02
Fagot Refrigeration & Electric	WWTP Service / Repair	813.50
Fireguard, Inc.	Fire Dept Supplies	1,318.30
Freedom Acct FBO/LVFD Plan #657193	Fire Dept. Pension	18,000.00
FYR-TEK	Fire Dept Supplies	129.89
Gale Group, The	Books	46.09
Galls	Uniform Expense	46.97
Gould, Stanley	Soccer Field Restroom/Concession	1,260.00
Government Finance Officers Association	Membership Dues	190.00
HD Supply Waterworks	WR Supplies	124.92
Health Claims Fund	Claims	616,659.08
Holbein, Dahlas D.	Maint & Cleaning	1,000.00
Ingram Library Services	Books	677.72
Jerry Baker	Book	37.75
Jones Plumbing & Heating	Muni Bldg Rooftop Heat Pumps	25,000.00
Kelly Electric Company	Soccer Field Restroom/Concession	2,400.00
Kelly Tree Service, LLC	Line Clearing & Trimming	18,000.00
Knapp Electric	Central Garage Supplies	375.00
Landmark Implement, Inc.	Central Garage Supplies	233.29
Latina	Subscription	14.97
Lexington Area Chamber of Commerce	Banquet Tickets	250.00
Lexington Area Solid Waste Agency	Landfill	135.36
Lexington Glass CompanyLib	Door Repair	200.00
Lexington Newspapers, Inc.	Publications	642.99
Lexington Optimists	Membership Dues	75.00
Lexington, City of	Service Fees	54,857.75
Linweld	Ambulance Supplies	41.95
Little Caesars	Food	31.08
Menards-Kearney	ST / Lib Supplies	506.15
MicroMarketing, LLC	CD Books	149.95
Miller & Associates	Muni Bldg Remodel/Retainer Svc	25,114.14
Moore Medical	Ambulance Supplies	795.00
MPH Industries, Inc.	Police Supplies	412.50
NE Public Health Environmental Lab.	WR Testing	1,076.00
NE Dept of Health & Human Services	Tower Painting Review Fee	1,040.00
NE Mosquito & Vector Control Association	Membership Dues / Registration	120.00
Nebraska Machinery	Central Garage Supplies	346.63
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	6 Capital Projects	256,676.06
Neopost	Postage / Annual Fee	1,550.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete	276.87
Platte Valley Auto Mart	Tire Rep/Central Garage Supplies	57.21
Presto-X	Fire Dept Service	75.00
Price's Tree Service	Tree Removal	500.00
Rodale	Book	39.94
S & W Auto Parts	Central Garage Supplies	488.38
Service Master Mid Nebraska	GGC/Lib/Muni Bldg Cleaning Svc	4,741.00
Sirchie Finger Print Lab	Police Supplies	150.86
Steve's Lock & Key	EL Bldg Lock Replacement	769.00

TASC	Fees	189.15
Taste of Home Books	Book	29.98
TierOne-Lib. Petty Cash	Postage / Food	154.01
U-Save Business Equipment	Bldg Insp/Police Spls/Postage/UPS	185.20
Wal-Mart	Supplies	133.47
Weathercraft Companies	Municipal Bldg Door Repair	131.00
Annie's Attic Books	Book	10.94
Baker & Taylor	Books	370.89
Brecks, Bill	Conference	105.00
Business Card	Conference	215.00
Case Credit Advantage	Tractor Repair	1,652.08
Cash-Wa Distributing	Food & Supplies	2,143.54
Central Community College	CPR Class	126.00
Dan's Sanitation	Sanitation Fees	26,970.08
Davis Energy, Inc.	Fuel	5,653.04
HD Supply Waterworks	Meter Supplies	2,545.65
Health Claims Fund	Claims	21,116.72
Lexington, City of	Franchise	60,806.13
Payroll	Wages	102,042.52
Social Security	Employer Portion / FICA Med	7,497.77
First National Bank	Employer Portion / Pension	3,197.55
First National Bank	Police Pension	1,616.64
ICMA	City Manager Pension	414.23
Lexington Utilities System	Utilities	32,977.85
Madeline's Café	Food	16.95
Nebraska Association of Senior Centers	Supplies	20.00
Nebraska Library Commission	Conference	175.00
O'Grady Publishing Company	Book	21.00
Plum Creek Market Place	Food	55.48
Roberts Dairy Company	Beverages / Food	516.53
Service Master Mid Nebraska	GGC Service	78.75
Thompson Co., The	Food & Supplies	2,054.21
TierOne-City Petty Cash	Food / Postage / Supplies	160.88
U-Save Business Equipment	Postage	3.26
Verizon Wireless	Cellphone Service	89.58
Village Uniform	GGC Supplies	42.60
Wal-Mart	Supplies	244.88
	TOTAL CLAIMS:	1,402,524.63

**RESOLUTION:**

Marc Munford, Ameritas, reviewed information to refinance the Series 2004 General Obligation Bonds; representing a 7.0 % savings over the life of the issue. Resolution 2010-04 was presented for Council consideration. Moved by Salem, seconded by Tomasek, to approve Resolution 2010-04 as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

**RESOLUTION 2010-04**

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds of the City of Lexington, Nebraska, in accordance with their option provisions are hereby called for

payment on March 30, 2010, after which date interest on the bonds will cease:

General Obligation Bonds, Series 2004, of the City of Lexington, Nebraska, date of original issue - September 1, 2004, in the principal amount of One Million Two Hundred Forty-five Thousand Dollars (\$1,245,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

Principal Amount	Maturity Date	Interest Rate	CUSIP No.
\$ 60,000	October 15, 2010	3.45%	529437 FS9
65,000	October 15, 2011	3.65	529437 FT7
65,000	October 15, 2012	3.85	529437 FU4
70,000	October 15, 2013	4.00	529437 FV2
70,000	October 15, 2014	4.10	529437 FW0
75,000	October 15, 2015	4.20	529437 FX8
80,000	October 15, 2016	4.30	529437 FY6
80,000	October 15, 2017	4.40	529437 FZ3
85,000	October 15, 2018	4.45	529437 GA7
90,000	October 15, 2019	4.55	529437 GB5
95,000	October 15, 2020	4.65	529437 GC3
95,000	October 15, 2021	4.70	529437 GD1
100,000	October 15, 2022	4.80	529437 GE9
105,000	October 15, 2023	4.85	529437 GF6
110,000	October 15, 2024	4.95	529437 GG4

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after September 1, 2009, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used to pay the costs of construction, equipping and furnishing of a public library facility in the City of Lexington.

Section 2. Said bonds are to be paid at the office of the Treasurer of the City of Lexington, Lexington, Nebraska, as paying agent and registrar.

Section 3. A true copy of this resolution shall be filed immediately with the Treasurer of the City of Lexington in Lexington, Nebraska, as Paying Agent and Registrar for the Refunded Bonds, and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said Refunded Bonds.

Joe Peplitsch  
City Clerk

John Fagot  
Mayor

**ORDINANCE:**

An Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$1,270,000) FOR THE PURPOSE OF PAYING AND REDEEMING \$1,245,000 OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, DATE OF ORIGINAL ISSUE - SEPTEMBER 1, 2004; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM" was read by title. 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 Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2278 was read by title on final reading. Moved by Salem, seconded by Miller to approve Ordinance No. 2278 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**BOARD OF EQUALIZATION:** Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider property assessments for delinquent abatement fees. Peplitsch reviewed a list of properties with past due abatement fees. Following discussion, the public hearing was closed.

An Ordinance entitled "AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Following discussion, moved by Tomasek, seconded by Bennett, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2279 was presented for Council consideration. Moved by Tomasek, seconded by Bennett, to approve Ordinance No. 2279 on final reading. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**SALE OF PROPERTY:**

Peplitsch reviewed a resolution directing the execution of a deed to complete the sale of property at 1113 North Taylor. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 2010-05 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 2010-05**

WHEREAS, the City has by Ordinance No. 2276, approved the sale of the following described real estate owned by the City, to-wit:

Lot 2, Block 6, 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 President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to DARYCE BURR, the purchaser thereof.

PASSED AND APPROVED February 23, 2010.

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**LVFD SERVICE AWARD:**

Resolution No. 2010-06 was presented for Council consideration. Following discussion, moved by Tomasek, seconded by Salem, to approve Resolution No. 2010-06 as presented. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**RESOLUTION NO. 2010-06**

**A RESOLUTION APPROVING THE LVFD SERVICE AWARD PROGRAM CERTIFIED MEMBER LIST FOR CALENDAR 2009.**

WHEREAS, the Lexington Volunteer Fire Department members must attain Certified status as defined by the LVFD Service Award Program in order to participate in the program.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, the following list of members have completed the certification requirements as determined by the Certification Administrator for calendar year 2009.

Ronald Balthazor	Michael Gomez	Eldon Peck
David Berke	Everett Hagan	Chad Reutlinger
Bo Berry	Dahlas Holbein	Roger Reutlinger
Jeffrey Block	Dale Holbein	Nicholas Reynolds
William Brecks	Kent Jergensen	Michael Richman
Robert Bullis	Ryan Johnson	Jon Robles
Alfred Copper	Jeremy Kaiser	Jerald Saulsbury
Gary Donnelson	Richard Klauz	Kerry Teetor
Michael Dowling	James Linch	Blake Thorell
Darrel Dutro	Michael Maguire	Eldon Wheeler
Matthew Fitzgerald	Robert Martin	David Zlatkovsky
Douglas Glaze	Seth McFarland	Frank Zlatkovsky

Passed and Approved this 23rd day of February 2010.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**OPPORTUNITY CENTER PHASE II:**

Peplitsch requested authorization to solicit bids for the Opportunity Center Phase II Renovation project. He reviewed the plans, noting it will consist of joint use space for education, job training, and business support services. Following discussion, moved by Miller, seconded by Bennett, to authorize the city manager to solicit bids for the Opportunity Center Phase II

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

**FINANCIAL REPORT:**

Pepplitsch reviewed a financial report for January 2010. 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:**

Burnside reminded Council and Staff of the meetings scheduled during the first week of March regarding the Downtown Revitalization Study.

**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