

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 23, 2012, 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 John Fagot, Joni Bennett, Steve Tomasek, Linda Miller, and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, Chief Building Inspector Bill Brecks, and City Clerk Pamela Berke. The press was represented by Kearney Hub and Lexington Clipper-Herald. Also in attendance were Bruce Stuart, Kent Schroeder, Ron Teten, Mike Maguire Ron and Sharon Jorgenson, Yance Aden, Nancy Hundley, Katy Schulte, Larry and Sharon Steinberger, Rick Seberger, Jeff Block, Michelle Eby, Dora Vivas, Dennis Biehl, and Dick Helvey.

**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 10-9-2012** Minutes of the Regular meeting held Tuesday, October 9, 2012, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$627,239.77 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$122,161.86 from the General Fund, \$35,312.59 from Street Fund, \$250,000.00 from Economic Development, \$187.50 from TIF, \$140,642.24 from LEXUS, \$29,387.44 from Sanitation, \$394.16 from Ambulance Fund, \$43,951.49 from Health Fund, and \$5,202.49 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  
October 23, 2012**

AFLAC	Premium	1256.90
Alamar Uniform Co.	Police Uniform Expense	82.04
Anderson Graphics	Library Service	67.50
Axis Capital, Inc.	Mail Machine Payment	840.00
Baker, Michael	Mileage to School	199.80
Business Card		
Baja Fresh Central	Meals / Conference	15.01
Crust	Meal / Conference	12.00
Fuego Cityscape	Meal / Conference	11.84
Renaissance Hotels	Hotel / Conference	1,104.40

Steve's Greenhouse Grill	Meals / Conference	23.34
SuperShuttle	Transportation / Conference	13.00
Thai Basil Downtown	Meal / Conference	12.88
McDonald's	Meals / Tire Collection	32.20
Capstone Press, Inc.	Library Books	74.97
Card Center/Orscheln	ST / WWTP Supplies	563.68
Cash-Wa Distributing	Food / Supplies	431.18
Center Point Large Print	Library Books	85.08
Central Fire & Safety, Inc.	GGC Service	222.50
Central Garage Fund	Service / Repair	3,051.85
Cetak, Kory	Electric Rebate	1,225.00
CLIA Laboratory Program	Ambulance Certificate Fee	150.00
Contreras, Antonio	Electric Rebate	925.00
Coryell, Virginia	Electric Rebate	125.00
Cummins Central Power, LLC	WWTP Repair	370.16
Dan's Sanitation, Inc.	Sanitation Fees	1,777.62
Data-Pak Mailing Systems	Postage / Software Maint Agreement	1,995.00
Dawson County Court	Court Fees	17.00
Diamond Vogel Paint	ST Paint	1,730.52
Eakes Office Plus	Library Supplies	234.69
Electric Fixture & Supply	Library / DCOG / DTR Supplies	207.58
Exchange Bank	Copier Payments	1,195.44
Fairbanks International, Inc.	WWTP / Central Garage Supplies	189.03
Fastenal	WWTP / ST Supplies	271.59
Gale Group, The	Library Books	94.21
Grainger	WWTP Supplies	114.91
Great Western Bank-Lib. Petty Cash	Postage / Stamps / Supplies	115.11
Health Claims Fund	Claims	39,006.07
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Ingram Library Services	Library Books	254.96
Jim Phillips Const.	ST Repair / WR Tap	1,827.00
League of Nebraska Municipalities	Membership Dues	100.00
Lerner Publishing Group	Library Books	352.09
Lexington Newspapers, Inc.	Publications	266.26
Lexington City Payroll Account		
Payroll	Wages	113,695.92
Social Security	Employer Portion / FICA Med	8,338.35
Union Bank & Trust	Employer Portion / Pension	3,985.20
Union Bank & Trust	Police Pension	1,777.95
ICMA	City Manager Pension	470.77
Lif, Donald	Electric Rebate	1,225.00
Linda's Stitches & Creations	ST / WR / PK Uniform Expense	2,252.00
Mead Lumber & Rental-Lexington	WWTP / ST / WR Supplies	163.59
Menards - Kearney	Library Supplies	25.19
Miller & Associates, Inc.	WWTP Improvement PJ / Pro Service	11,082.50
Mr. Automotive	Fire Dept Supplies	23.02
Nebraska Library Commission	Library Subscription	1,023.00
Nebraska Municipal Clerks Association	Membership Dues	35.00
OCLC, Inc.	Library Subscription	24.51
Oliver Consulting Services, Inc.	Library Service	240.00
Olsson Associates	Downtown Revitalization-Phase II	10,494.81
Overton Community Center	Meals on Wheels	100.00
Platte Valley Auto Mart, Inc.	Central Garage Supplies	118.83
Police Officers Association of Nebraska	Membership Dues	200.00
Pollution Control Systems	Lift Station Pump Brackets	1,352.40
Presto-X	Library / Fire Dept Service	186.94
S & W Auto Parts, Inc.	Central Garage / PK Supplies	814.05

Service Master Mid Nebraska	Cleaning Service	4,741.00
ShopSmart	Library Subscription	34.94
Subway @ Wal-Mart	Meals	41.80
Sund Investments LLC	Loan Agreement Amendment	250,000.00
T. O. Haas Tire Co., Inc.	PK Tire	101.56
TASC - Client Invoices	Fees	174.65
Tyler Technologies, Inc.	Maintenance Fees	300.30
Vision Internet Providers, Inc.	Monthly Hosting Fees	633.71
Wal-Mart	Supplies	346.33
Card Center/Orscheln	Fire Dept Supplies	14.99
Cash-Wa Distributing	Food & Supplies	1,677.06
Community Development Agency	Legend Oaks II	187.50
Consolidated Management Company	Police School Meals	190.25
Dan's Sanitation, Inc.	Sanitation Fees	29,387.44
Davis Energy, Inc.	WWTP Oil	92.80
Electric Fixture & Supply	ST Light Supplies	235.15
Farmer Brothers Coffee	Food & Supplies	381.10
Fastenal	WWTP Supplies	64.62
FYR-TEK, Inc.	Fire Dept Supplies	79.81
Great Western Bank-City Petty Cash	Postage / Keys / Meal	39.83
Greater Omaha Chamber Foundation	Seminar Registration Fee	50.00
Health Claims Fund	Claims	3,513.87
Intellicom Computer Consulting	Computer Service	151.00
Johnstone Supply	WWTP Motor	197.62
Lexington Newspapers, Inc.	Publications	121.86
Lexington, City of	Franchise Fees	65,140.82
Lexington Utilities System	Utilities	31,911.93
Midland Scientific, Inc.	WWTP Supplies	346.62
Municipal Supply	WR Supplies	1,460.30
Municode	Bldg Insp Book	736.00
Nebraska Salt & Grain Co., Inc.	Ice Control Salt	2,729.32
Paulsen, Inc.	Concrete	260.73
Jim Phillips Const.	Repair St/Sidewalks for Middle School PJ	9,854.00
Platte Valley Communications of Kearney	Monthly Maintenance	90.00
Roberts Dairy Company	Beverages & Food	376.34
S & W Auto Parts, Inc.	WWTP Supplies	73.35
Thompson Co., The	Food & Supplies	1,602.35
Thomsen, Kathleen	Conference Meals	50.43
Verizon Wireless	Cellphone Service	366.31
Village Uniform	GGC Service	80.42
Wal-Mart	Supplies	128.22
	<b>TOTAL CLAIMS:</b>	<b>627,239.77</b>

**SPECIAL USE PERMIT AGMT:** Pepplichtsch reviewed a special use permit agreement with Bruce and Theresa Stuart dba Stuart Cattle Co. for contiguous expansion of their livestock operation and construction of a livestock waste control facility. Bruce Stuart updated the council on the recently issued construction and operating permit from NDEQ and the next steps in the expansion. Following review of the agreement, moved by Salem, seconded by Tomasek, to approve the special use permit agreement as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a rezoning application by Kent Schroeder on behalf of Philip and Betty Pebley for property located at 100 Cherokee Road from R-1 Single Family Residential to R-2 Two Family Residential. Kent Schroeder explained that he would like to construct a duplex

to house an employee of his law firm and other young professionals. After a brief history of the property, he presented conceptual plans for the intended duplex. He asked that the Council consider the highest and best use of the property and approve the rezoning application.

Pepplitsch noted that the Planning Commission recommended denial of the rezoning application. Neighborhood residents who spoke in opposition of the rezoning request included Mike Maguire, Larry Steinberger, Ron Teten, and Rick Seberger. They cited concerns about unnecessary spot zoning, and potential traffic and parking issues.

The public hearing was closed. Council discussed the issues surrounding the application. Following discussion, moved by Salem, second by Miller, to deny the rezoning application for property located at 100 Cherokee Road from R-1 to R-2. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**FINANCIAL REPORT:**

Pepplitsch presented a financial report for September 2012. Following discussion, moved by Tomasek, seconded by Bennett, to accept the financial report as presented. Roll call. Voting "aye" were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:**

Pepplitsch gave an updates on paving projects in the Southeast Business Park, Commerce Drive, and downtown.

Burnside gave a brief overview of the Comprehensive Plan update activities beginning on October 24th.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
Mayor

Pamela Berke  
City Clerk

I, the undersigned 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.

---

City Clerk