

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 11, 2008, 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, John Salem, and Linda Miller. Council member Joni Bennett was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Dana Daniels, Linda Erickson, and Deb Jensen.

**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 2-26-08** Minutes of the Regular meeting held Tuesday, February 26, 2008, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

**MINUTES – PLANNING MEETING 2-23-08** Minutes of the Planning Session held Saturday, February 23, 2008, were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Tomasek, Salem, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,397,955.20 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$254,711.76 from the General Fund, \$330.36 from Housing Reuse, \$1,095,429.62 from LEXUS, \$10,134.59 from Sanitation, \$2,295.23 from Ambulance Fund, \$28,895.29 from Health Fund, and \$6,158.35 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
March 11, 2008

Alamar Uniform Company	Uniform Expense	146.73
All Points Cooperative	Fuel	247.71
Alltel	Cellphones	246.16
Anderson Graphics	Lib. Supplies	26.25
Area Services	WWTP Service	562.50
Arnold Pool Company	WWTP Supplies	184.15
Axis Capital	Mail Machine Payment	527.37

B & D Office City	Supplies	231.22
Bennett, Joni	Conference	211.70
Bob's Auto Repair & Service	Repair	60.00
Burnside, Dennis	Conferences	296.43
Card Center/Orscheln	WWTP/Central Garage Supplies	529.12
Cash-Wa Distributing	Food & Supplies	1,269.64
Central Comm College-Columbus	Seminars	657.00
Central Comm College-GI	First Aid-CPR Classes	2,665.50
Central Garage Fund	Fuel/Repair	15,823.96
Central Reserve Life Insurance Co.	Ambulance Refund	71.53
Certified Laboratories	Central Garage Supplies	484.57
Culligan Water Conditioning Co.	Soft Water Supplies	154.41
Dan's Sanitation	Sanitation Fees	11,157.00
Davis Energy, Inc.	Fuel	4,760.83
Dawson County Public Power	Power Purchase	7,104.68
Dawson Pest Control	GGC Service	27.00
Dell Marketing L P	GGC Computers	2,042.00
Delta Dental of Nebraska	Premium	1,126.30
Depository Trust Co.	02/04 Combined Util Bond Pmts.	67,597.50
Downey Drilling, Inc.	WWTP Supplies	162.00
Ebsco Subscription Service	Book	24.00
Electric Fixture	Central Garage Supplies	71.99
EMS Billing Services, Inc.	Ambulance Service	1,704.60
Eustis Body Shop	Repair	2,550.88
Fagot, John	Conference	171.70
Family Eyewear	Safety Glasses	145.00
Ferguson, Judy	Seminar	117.59
Freedom Account FBO/LVFD	Fire Dept. Pension	16,500.00
FYR-TEK	Fire Dept. Supplies/Uniforms	16,765.03
Gale Group, The	Books	307.96
Govt Finance Officers Assn.	Membership Dues	185.00
Great Plains One-Call Service	Locates	33.80
HD Supply Waterworks	WR Supplies	1,500.96
Health Claims Fund	Claims	15,716.25
Health & Human Svcs Reg & Lic	Fees	40.00
Hometown Leasing	Copier Payments	561.94
Husker Ag Sales	Central Garage Supplies/Mower	9,776.59
Ingram Library Services	Books	134.89
Jim Phillips Const.	Concrete Work/Main Break Repair	6,177.00
Jones Plumbing & Heating	Repairs & Supplies	1,268.57
K-Lawn	Lawn Service	3,725.52
Lexington Animal Clinic	Animal Care	717.70
Lex Area Solid Waste Agency	Landfill	2,335.44
Lexington Glass Co.	Fire Dept. Service	225.00
Lexington Health Fund	Self-funding	30,960.37
Lexington Newspapers, Inc.	Publications	116.17
Lexington Postmaster	Postage	150.00
Lexington Recreation Program	Summer Program	20.00
Lexington True Value	WWTP/Fire Dept. Supplies	154.04
Lexington, City of	Franchise/Service Fees	47,753.73
Linweld	Ambulance Supplies	109.50
Marriott Hotels & Resorts	Conference	1,737.90
Matt Friend Truck Equipment	Central Garage Supplies	66.50
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	Supplies	372.69
Menards-Kearney	PK Supplies	880.06
Meritain Health	Premium	16,466.55

Mid-Nebraska Printing	Lib. Supplies	10.80
Miller, Linda	Conference	183.70
Municipal Supply	WR Supplies	532.14
Nebraska Machinery	Central Garage Supplies	1,000.54
NE Mosquito & Vector Control.	Membership Dues	95.00
NE Planning & Zoning Assn	Conference	70.00
Nebraska Public Power District	O&M	75,000.00
Nebraska Public Power District	Kugler T1 ACT 106 Feeder Conversion	50,000.00
Nebraska Public Power District	Kugler T2 ACT 106 Feeder Conversion	100,000.00
Nebraska Public Power District	Power Purchase	587,880.00
Nebraska Waste Handlers	Sludge Removal	5,876.50
Nelson, Margie L.	Cleaning Service	500.00
Paulsen, Inc.	Gravel/Fill Sand	1,332.44
Peak Interest	Food	47.97
Platte Valley Communications	Radio/Supplies	797.97
Plum Creek Market Place	Food	55.92
Roberts Dairy Company	Beverages	299.43
S & W Auto Parts, Inc.	Supplies	648.27
Salem, John	Conference	171.70
Sargent Drilling Co.	Repair Wells	10,687.70
Service Master Mid Nebraska	Cleaning Service	742.50
SourceGas, Inc.	Gas Service	11,983.08
State Wide Collections	Collection Fees	196.25
T. O. Haas Tire Co., Inc.	Tires	450.87
Taste of Home Books	Book	28.98
Team Detail & Quicklube	Car Washes	109.95
Third Party Environmental, Inc.	Asbestos Removal	2,900.00
Thompson Co., The	Food	789.65
TierOne-Lib. Petty Cash	Postage	32.70
TimeWise	Fire Dept. Supplies	434.85
Tomasek, Steve	Conference	171.70
Tri-County Hospital	Lab Tests/Wellness	222.00
U-Save Business Equipment	Postage	14.21
United States ThermoAmp, Inc.	Aquatic Center Heat Pumps	38,755.23
Utility Equipment	WR Supplies	981.29
Wal-Mart	Supplies	373.74
Wesco Distribution, Inc.	EL Supplies	175.48
Accucut Systems	Lib. Supplies	154.08
Alltel	Service	51.92
All Points Cooperative	Propane	62.50
Business Card	Conference/Seminars	947.44
Card Center/Orscheln	ST Supplies	49.96
Cash-Wa Distributing	Food & Supplies	760.69
Coca Cola/Dr. Pepper of Kearney	Beverages	20.00
Contryman Associates, P. C.	Audit	13,700.00
Cummins Central Power	WWTP Supplies	668.71
Dawson County Treasurer	2008 WR Truck Taxes & Title	1,230.20
Dell Marketing L P	Business Office Computers	2,002.00
Eakes Office Plus	Lib. Supplies	409.94
G & V Inc.	Demolish House/Clean Up	4,150.00
Games For Windows	Book	29.97
Health Claims Fund	Claims	13,116.94
Ingram Library Services	Books	109.01
Jones Plumbing & Heating	GGC Supplies	35.00
Kam, Khamta	EL Rebate	1,025.00

Lab Safety Supply	Ambulance Supplies	267.57
League of Nebraska Municipalities	Midwinter Conference-Lincoln	2,179.00
Lexington Newspapers, Inc.	Publications	208.18
Payroll	Wages	90,359.68
Social Security	Employer Portion / FICA Med	6,706.94
First National Bank	Employer Portion / Pension	0.00
First National Bank	Police Pension	1,255.06
ICMA	City Manager Pension	413.07
Luther, Ann	Conference/Seminars	57.57
Mead Lumber & Rental-Lexington	ST/PK Supplies	337.78
Mid-State Units	Rental	280.00
Midwest Laboratories, Inc.	Testing Supplies	1,117.45
Naumann, Sondra	Cleaning Service	117.00
Nebraska Department of Revenue	Sales & Use Tax	43,759.14
Nebraska Library Association	Lib. Supplies	6.40
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,376.66
Penworthy Company	Books	675.16
Platte Valley Auto Mart	2008 WR Truck	17,360.00
Plum Creek Market Place	Food	4.41
Precision Industries	WWTP Supplies	6.90
Rodale, Inc.	Book	37.94
Roberts Dairy Company	Beverages	59.94
Soncksen, Trevor	EL Rebate	1,025.00
T. O. Haas Tire Co., Inc.	Repair	12.79
Thomas Bouregy & Company, Inc.	Books	138.50
TierOne-City Petty Cash	Food	11.50
TierOne-Library Petty Cash	Postage/Food	7.68
W. P. C. I.	Drug Test	27.10
Wal-Mart	Supplies	13.68
	<b>TOTAL CLAIMS:</b>	<b>1,397,955.20</b>

**ORDINANCE:**

An Ordinance entitled “AN ORDINANCE TO REZONE LOT 1, FOSTER SUBDIVISION, FROM A-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; 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 requiring the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2245 was read by title. Moved by Miller, seconded by Salem to approve Ordinance No. 2245 on final reading. Roll call. Voting “aye” were Tomasek, Salem, Miller, Fagot. Motion carried.

**BOND REFINANCE:**

Marc Munford, Ameritas, appeared before the Council to discuss the refinancing of the 2001 Series General Obligation Bonds. Following extensive discussion, moved by Tomasek, seconded by Miller to approve a threshold of 4.7%, present value return, and to authorize City Manager to direct the bond agent to prepare the issue at such time those thresholds are met. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**AUDIT REPORT:**

Linda Erickson of Contryman Associates presented the Fiscal Year 2007 Audit Report to Council, and asked the Audit Committee for their comments. An unqualified report was issued. Tomasek commended Barb Mills and staff on their work on the audit. Following discussion, moved by

Tomasek, seconded by Salem, to accept the audit report as presented. Roll call. Voting "aye" were Miller, Salem, Tomasek, Fagot. Motion carried.

**CED ADDITION PAVING:** Daniels reviewed the bids recently opened for the CED Addition Paving project. He recommended awarding the bid to Paulsen, Inc. in the amount of \$284,682.50. Following discussion, moved by Salem, seconded by Tomasek to award the bid for the CED Addition Paving project to Paulsen, Inc. in the amount of \$284,682.50. Roll call. Voting "aye" were Miller, Tomasek, Salem, Fagot. Motion carried.

**GRANT ADMINISTRATION:** Peplitsch requested Council authorization to procure grant administrative services related to CDBG funding for Owner Occupied Rehab Housing Program. Following discussion, moved by Miller, seconded by Salem, to authorize City Manager to procure grant administration services related to CDBG funding for the OOR Housing Program with Dawson Area Development. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

**OOR HOUSING PROGRAM:** Deb Jensen, DAD, discussed special conditions related to the Owner Occupied Rehab Housing program. Following discussion, moved by Salem, seconded by Miller, to approve the execution of the Fair Housing Policies and Procedures, Procurement Procedures and Code of Conduct, and Excessive Force Certification. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

**EXECUTIVE SESSION:** Finding that it is clearly necessary for the protection of the Public interest that a closed executive session be held in regards to the purchase of real estate, moved by Salem, seconded by Miller to adjourn into closed executive session at 6:07 pm. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried. Mayor Fagot announced that the Council would go into Executive Session at 6:07 pm for a closed executive session regarding purchase of real estate.

Moved by Salem, seconded by Miller, to adjourn Executive Session at 7:04 pm. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch updated the Council on the progress on the CED Addition and stated that a borrowing resolution will be forthcoming to accommodate the infrastructure improvements. He also updated Council on Property Maintenance Code progress.

Burnside reported on the Park Improvement Committee progress. He stated the Lexington Foundation has residual funds and a new piece of skate equipment will be purchased soon.

**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