

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 25, 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 John Fagot, Steve Tomasek, Linda Miller, Joni Bennett 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 Kearney Hub. Also in attendance were Dana Daniels and Gordon and Joyce Rimpley.

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 8-11-09 Minutes of the Regular meeting held Tuesday, August 11, 2009, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$582,357.28 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 \$160,529.50 from the General Fund, \$11,217.96 from TIF Fund, \$104,880.92 from ED Reuse Fund, \$8,500.00 from Housing Reuse, \$143,497.98 from LEXUS, \$43,455.86 from Sanitation, \$8,825.00 from Landfill, \$70,637.14 from Ambulance Fund, \$26,559.27 from Health Fund, and \$4,253.65 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 25, 2009**

Adams, Bob	Electric Rebate	1,175.00
AFLAC	Premium	985.51
Alltel	Service	68.22
American Red Cross-Ft. Kearney Chapter	Lessons	240.00
Associated Supply Company, Inc.	Aquatic Center Supplies	251.66
B & D Office City	Supplies	155.25
Baird Holm LLP	Professional Service	6,547.50
Barnes Distribution	ST Supplies	57.92
Bliven Construction	Repair	62.00
Blue Cross Blue Shield of Kansas	Ambulance Refund	3.43
Bonsack, Ray	Boots	14.75

Bravo, Maria	Electric Rebate	1,175.00
Business Card	Conf/ST Supplies/Bldg.Insp.Spls	591.40
Card Center/Orscheln	Boots	233.59
Case Credit Advantage	Tractor Repair	3,351.63
Cash-Wa Distributing	Food & Supplies	617.14
Central Garage Fund	Service/Repair	5,530.84
Chapman, Randy	Electric Rebate	1,325.00
Dan's Sanitation	Sanitation Fees	2,040.00
Davis Energy, Inc.	Fuel	4,965.62
Dawson County Treasurer	State Tax Credit Refund	1,897.53
Dutton-Lainson Company	EL Supplies	35.32
Electrical Engineering & Equipment	Library/ST Supplies	1,426.43
Ellis, Don	Electric Rebate	1,050.00
Fagot Refrigeration & Electric, Inc.	Aquatic Ctr/GGC Service-Repair	771.84
Farmer Brothers Coffee	Food & Supplies	360.98
Fastenal	WWTP Supplies	135.32
Fifth Street Automotive	Repair	143.44
Fisher Scientific	WWTP Supplies	78.01
Great Plains Govt Finance Officers Assoc.	Membership Dues	85.00
Gurjardo, Jesus	Electric Rebate	1,025.00
Hach Company	WWTP Supplies	574.32
HD Supply Waterworks	Supplies/Meters/Meter Boxes	6,277.47
Health Claims Fund	Claims	22,101.38
Hoehner Turf	Sprinkler Repair	2,564.10
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
Ingram Library Services	Books	1,590.94
Landmark Implement, Inc.	WWTP/Central Garage Supplies	190.73
Lexington Newspapers, Inc.	Publications	42.18
Lexington True Value	Cemetery/Bldg.Insp. Supplies	127.55
Lien, Inc.	Sprinkler Repair	795.26
Linda's Stitches & Laser Art	Shirts	266.82
Little Caesars	Food	49.95
Mac's Short Stop	Food	149.90
Mckenna, John	Electric Rebate	1,050.00
Mead Lumber & Rental-Lexington	WWTP/Bldg.Insp. Supplies	89.84
Michael Todd & Co., Inc.	ST Supplies	389.91
Mid-State Units	Rental	1,207.00
Miller & Associates	Professional Service	150.00
Morton, Allyn	OOR Housing	8,500.00
Mr. Automotive	Central Garage Supplies	3.91
Municipal Supply	WR Supplies	1,003.66
Nebraska Amateur Softball Association	Entry Fee	3,000.00
Nebraska Medicaid	Ambulance Refund	151.93
Nebraska Public Health Environmental Lab	WR Tests	160.00
Nebraska Rural Water Association	Membership Dues	275.00
Nebraska State Treasurer	Unclaimed Property	394.27
Neopost	Postage	1,500.00
Omaha World-Herald	Subscription	30.00
Oriental Trading Company, Inc.	Library Supplies	44.13
Overton Community Center	Meals on Wheels	100.00
Pace Analytical	Landfill Analysis	8,825.00
Paulsen, Inc.	Concrete/Gravel	5,926.41
Plum Creek Market Place	Food	11.05
Presto-X LLC	Library Service	80.00
Rasmussen Mechanical Service, Inc.	Repair/Service	745.05
Roberts Dairy Company	Beverages/Food	304.24
S & W Auto Parts, Inc.	ST Supplies	10.77

Scrapbooks Etc. Magazine	Subscription	19.97
Sensus Metering Systems	Software Support	1,320.00
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,950.00
Sund, Travis	Electric Rebate	1,025.00
TASC	Admin Fees	171.00
Thompson Company, The	Food & Supplies	369.81
TierOne-Lib. Petty Cash	Postage	69.75
Travelers - RMD	W.C. Premium Fire Pack	4,565.00
Tri-City Tribune	Subscription	29.50
U S Toy	Books	16.69
U-Save Business Equipment	Postage/UPS Chgs/Supplies	85.40
Unique Books, Inc.	Book	13.60
Village Uniform	Aquatic Center Supplies	39.20
Wal-Mart	Supplies	304.81
Woehrle, Ruth	Electric Rebate	300.00
Wolf, Tracy	Conference	130.30
Zerr, Dennis	Electric Rebate	1,175.00
Card Center/Orscheln	PK Supplies	16.74
Cash-Wa Distributing	Food & Supplies	1,108.37
Community Redevelopment Authority	TIF/Wilkinson Development	9,320.43
Conney Safety Products	ST/PK/Cem.Supplies	433.30
Dan's Sanitation	Sanitation Fees	25,455.86
Dawson County Court	Court Fees	44.00
Eakes Office Plus	Lib. Service	40.00
Health Claims Fund	Claims	3,301.38
Hueftle, Marilyn	Supplies	44.53
Ingram Library Services	Books	151.15
Lexington Newspapers	Publications	20.85
Lexington Recreation Program	Support Personnel	7,000.00
Lexington True Value	Supplies	38.58
Lexington, City of	Annual Service Fees	84,269.10
Lexington, City of	Opportunity Center Loan	100,714.25
Lexington, City of	Franchise Fees	68,340.90
Payroll	Wages	112,710.19
Social Security	Employer Portion / FICA Med	8,377.23
First National Bank	Employer Portion / Pension	3,259.64
First National Bank	Police Pension	1,521.44
ICMA	City Manager Pension	408.46
Lexington Utilities System	Utilities	28,776.09
Mead Lumber & Rental-Lexington	PK Supplies	11.98
Mid-America Research Chemical	WWTP Supplies	117.55
Miller & Associates	Retainer Service	800.00
Morris Press	Rec Supplies	112.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Physio-Control, Inc.	Ambulance Supplies	404.00
Platte Valley Auto Mart	Repair	93.73
Plum Creek Children's Literacy	Registration	50.00
Plum Creek Market Place	Food	10.67
Plum Creek Motors	Central Garage Supplies	40.00
Roberts Dairy Company	Beverages/Food	198.87
S & W Auto Parts	Supplies	276.48
Service Master Mid Nebraska	GGC Cleaning Service	78.75
T. O. Haas Tire Company, Inc.	Tires/Repair	787.18
Thompson Co., Inc.	Food & Supplies	576.78
TierOne-Lib. Petty Cash	Supplies/Food	10.14
Vermeer High Plains	Central Garage Supplies	352.82
Village Uniform	GGC Supplies	132.97

Wal-Mart

Supplies

116.07

TOTAL CLAIMS:

582,357.28

SPECIAL USE AGMT:

Pepplitsch reviewed a revised special use agreement with Irving Hiatt for Lot 2, Westminster Woods Subdivision and noted the changes are acceptable to the owner. Neighbor Joyce Rimpley asked for clarification of several items. Following discussion, moved by Salem, seconded by Miller, to approve the Special Use Agreement with Irving Hiatt as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

POLICE CRUISERS:

Pepplitsch reviewed a bid tabulation for two police package cruisers and explained the budget implications of the purchases. Following the review and discussion, moved by Salem, seconded by Bennett, to accept the bids and award Platte Valley Auto Mart a contract for two 2010 Chevy Impala police package cruisers and to authorize the city manager to execute the required documents. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

LOAN:

Pepplitsch requested Council authorization to loan funds from the Utilities Fund to the General Fund for infrastructure improvements associated with the Legend Oaks Housing Project. He indicated this would be a short-term loan to be repaid with development dollars associated with the project. Following discussion, moved by Miller, seconded by Tomasek, to authorize a short-term loan to the General fund from the Utility fund for construction purposes. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested Council consideration of Pay Request #9 from Cement Products Inc for the Pedestrian Trail project. After a brief update of the project, he outlined several needed corrections to the pay request with a revised amount to be paid. The recommended corrections included deleting Change Order #4 and increasing the retainage to 10% for a net payment of \$45,160.57. Following discussion, moved by Miller, seconded by Salem, to approve the pay request as amended. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

ORDINANCE:

An ordinance entitled "AN ORDINANCE TO AMEND SECTION 28A-8 OF THE LEXINGTON CITY CODE; TO DESIGNATE THE CITY MANAGER AS THE ENFORCEMENT OFFICER FOR FLOOD PLAIN ZONING; TO REPEAL ORIGINAL SECTION 28A-8 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read by title. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2266 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2266 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

FINANCIAL REPORT:

Pepplitsch presented the Financial Report for July 2009. Following discussion, moved by Miller, seconded by Tomasek, to accept the financial report as

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

BUDGET:

Council and Staff reviewed a draft of the proposed fiscal year 2009-2010 city budget. Following review, it was indicated a public hearing for the budget will be scheduled for the September 8, 2009, council meeting.

ROUNDTABLE:

Peplitsch gave a brief update on current projects.

Burnside reported on the refugee resettlement assessment meetings that he recently attended.

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