

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 10, 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 Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub. Also in attendance were Trenton Snow, Irving Hiatt, and Ron Hiatt, Todd Wiltgen, and Dana Daniels.

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 1-27-09 Minutes of the Regular meeting held Tuesday, January 27, 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 \$1,270,593.31 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 \$200,893.77 from the General Fund, \$14,920.00 from Housing Reuse, \$1,025,716.96 from LEXUS, \$10,000.00 from Sanitation, \$2,000.00 from Landfill, \$5,089.25 from Ambulance Fund, \$8,350.05 from Health Fund, and \$3,623.28 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
February 10, 2009

All Points Cooperative	Fuel/Supplies	189.04
Alltel	Cellphone Service	141.27
Anderson Graphics	Lib. Supplies	17.50
Annie's Attic Books	Books	97.19
Awards Plus	Plaques	303.45
Axis Capital, Inc.	Mail Machine Pmt.	527.37
Bamford, Inc.	Fire Dept. Service	200.00
Barco Municipal Products	WR Supplies	161.93
Bourn, Pam	EL Rebate	1,025.00
Card Center/Orscheln	Supplies	161.13
Cash-Wa Distributing	Food/Supplies	907.35
Central Garage Fund	Fuel	16,664.28

Child's World, The	Books	414.70
Conney Safety Products	Safety Glasses	410.20
Contryman Associates, P.C.	Audit	20,000.00
Culligan Water Conditioning Co.	Soft Water Supplies	141.86
Dan's Sanitation	Sanitation Fees	10,000.00
Dawson County Handibus	Transportation	58.00
Dawson County Register of Deeds	Filing Fees	10.50
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,475.80
Demars Gordon Olson & Zalewski	Professional Service	1,075.00
Demco	Lib. Supplies	555.46
Eakes Office Plus	Lib. Supplies	68.64
Eilers Machine & Welding	WWTP/Central Garage Supplies	599.00
Electric Fixture	WWTP/PK Supplies	804.99
EMS Billing Services, Inc.	Ambulance Service	1,864.75
Environmental Systems Research Institute	GSI Server/Maint. Fees	3,000.00
Fagot Refrigeration & Electric	GGC Repair/Lift Station Repair	3,228.20
Farmer Brothers Coffee	Food & Supplies	105.72
Fastenal	WWTP Supplies	47.56
Fireguard, Inc.	Fire Dept. Supplies	203.92
Flynn, Jeff	Boots	70.00
FYR-TEK	Fire Dept. Supplies	992.10
Gale Group, The	Books	120.52
GeoStat Environmental, LLC	Groundwater Analysis	2,000.00
Great Plains One-Call Service	Locates	21.32
Health Claims Fund	Claims	6,242.44
Holbein, Dale	Fire Dept. Supplies	406.53
Hometown Leasing	Copier Payments	561.94
Hubbard Insulation	OOR Housing	6,000.00
Husker Ag Sales	Central Garage Supplies	48.10
Image Trend, Inc.	Software Support	750.00
Ingram Library Services	Books	693.37
International Code Council	Book	37.00
Jim Phillips Construction	ST Repair/Main Brks/Oak PK Svc	20,300.00
Jones Plumbing & Heating	Repair/Supplies	87.72
Kratzer Electric, Inc.	Heater on Well #12	331.25
Lexington Animal Clinic	Animal Care	538.60
Lexington Area Solid Waste Agency	Landfill	677.16
Lexington Glass Co.	WWTP Repair	560.00
Lexington Health Fund	Self-funding	34,385.29
Lexington Newspapers, Inc.	Publications/Advertisements	1,028.31
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	34.27
Lexington, City of	Franchise/Service Fees	47,712.89
Linda's Stitches & Creations	Caps	106.00
Linden's Plumbing	Repair	60.69
Lundeen-Isaacson, Inc.	Bond Renewal	100.00
Matt Friend Truck Equipment	ST/Central Garage Supplies	6,884.97
MC 2 Inc.	WWTP Supplies	566.90
McCookNet Internet Service	Service/Repair	517.22
Mead Lumber & Rental-Lexington	PK/WWTP/ST/WR/Cem.Supplies	564.97
Meridian Library System	Seminar	15.00
Meritain Health	Premium	21,600.95
Michael Todd & Co., Inc.	Fire Dept. Supplies	1,014.63
Mid-State Units	Rental	108.00
Miller & Associates	Pool Painting/N.W.Detention Cell	2,166.40
Morris Press	GGC Supplies	152.00

Morton Business	OOR Housing	6,920.00
Mountain Plains Library Association	Membership Dues	55.00
Mr. Automotive	Central Garage Supplies	70.09
Municipal Supply	WWTP Supplies	91.13
N & N Repairs	Fire Dept. Service	158.22
Nebraska Public Power District	O & M	67,000.00
Nebraska Public Power District	Power Purchase	750,912.32
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,499.75
Paulsen, Inc.	Crushed Concrete	221.66
Peak Interests LLC	Food	26.78
Pinnacle Agency, The	Premium	412.00
Platte Valley Communications	Service/Repair/Supplies	3,713.32
Precision Industries	WWTP Supplies	422.38
ProMac Inc.	WWTP Supplies	50.00
Roberts Dairy Company	Beverages/Food	181.37
S & W Auto Parts, Inc.	Central Garage/WWTP Supplies	3,067.75
Scholastic Library Publishing	Book	15.26
Service Master Mid Nebraska	Cleaning Service	457.87
SourceGas, Inc.	Gas Service	14,140.47
State Wide Collections	Collection Fees	149.47
T. O. Haas Tire Co., Inc.	Central Garage Supplies	544.90
Thompson Co., The	Food	561.93
TierOne-Lib. Petty Cash	Postage	14.04
Tri-City Tribune	Advertisements	150.00
Tri-County Hospital	Wellness	220.00
U-Save Business Equipment	Supplies/Postage	416.15
Vinny's Hometown Auto Care	Fire Dept. Service	107.70
Wal-Mart	Supplies	358.54
Baker, Jerry	Book	37.75
Berry, Bo	Fire Training Expense	223.00
Blue Cross Blue Shield	Ambulance Refund	179.13
Cash-Wa Distributing	Food & Supplies	518.30
Dan's Sanitation	Sanitation Fees	1,020.76
Dawson Area Development	Admin. Fees	8,872.55
Dawson County Public Power	Power Purchase	6,033.03
Dowling, Michael	Fire Training Expense	391.68
Fagot Refrigeration & Electric	WWTP Service	639.02
FYR-TEK	Repair	185.38
HD Supply Waterworks	Meters	1,225.45
Health Claims Fund	Claims	631.81
Healthy Cooking	Book	10.00
Lexington Newspapers, Inc.	Publication	34.40
Payroll	Wages	97,941.31
Social Security	Employer Portion / FICA Med	7,230.82
First National Bank	Employer Portion / Pension	3,334.05
First National Bank	Police Pension	0.00
ICMA	City Manager Pension	399.23
Linweld	Ambulance Supplies	182.60
Mead Lumber & Rental-Lexington	WR Supplies	12.82
Michael Todd & Co., Inc.	ST Supplies	312.30
Moore Medical Corp.	Medical Supplies	1,528.41
Nebraska Department of Revenue	Sales & Use Tax	54,672.52
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,286.37
Nelson, Thomas R.	Conference	164.74
North Platte Bulletin	Subscription	39.95
Plum Creek Market Place	Food	21.32

Roberts Dairy Company	Beverages	138.42
Rowan, Jeff	EL Rebate	1,025.00
S & W Auto Parts, Inc.	WWTP Supplies	17.90
Thompson Co., The	Food & Supplies	506.40
TierOne-City Petty Cash	Food/Fuel	48.00
TierOne-Lib. Petty Cash	Postage/Food	44.18
Tyler Technologies	Training Subscription	1,050.00
Utility Equipment	Tap Machine Maintenance	6,013.83
Wal-Mart	Supplies	89.43
	TOTAL CLAIMS:	1,270,593.31

PUBLIC HEARING:

Mayor Fagot opened the public hearing to consider rezoning and subdivision applications by Irving Hiatt for property located at 154 East River Road. Trenton Snow and Ron and Irving Hiatt appeared to discuss the plans for the subdivision. Discussion included permissible uses for the zoning districts in question, alternative zoning for the area, and potential subdivision agreement items. The public hearing was closed.

Resolution No. 09-02 was read. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 09-02 contingent upon approval of subdivision agreement and zoning ordinance. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-02
WESTMINSTER WOODS SUBDIVISION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of WESTMINSTER WOODS SUBDIVISION, a subdivision being part of Government Lots 1 & 2 and Accretions located in Section 21, Township 9 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska..

PASSED AND APPROVED February 10, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

An ordinance entitled “AN ORDINANCE TO REZONE LOTS 1, 2, 3, & 4, WESTMINSTER WOODS SUBDIVISION, FROM A-1 AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT; TO REZONE LOTS 5, 6, & 7 FROM A-1 AGRICULTURAL DISTRICT TO R-2 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 by title. Moved by Salem, seconded to

approve the ordinance as presented on first reading. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

1 & 6 YEAR STREET IMP:

Mayor Fagot opened the public hearing. Dana Daniels presented the 2009 1&6 Year Street Improvement Plan. Following discussion, the public hearing was closed. Following discussion, Resolution No. 09-03 was read. Moved by Miller, seconded by Bennett, to approve Resolution No. 09-03. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 09-03

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

Date: February 10, 2009

John Fagot, Mayor

Attest: Pamela Berke, Deputy City Clerk

**CONSERVATION
EASEMENT:**

Resolution No. 09-04 was presented for Council consideration. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 09-04 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION 09-04

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR
THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, BAR M R, INC., a Nebraska Corporation, is the owner of the following described real estate, to-wit:

Three (3) tracts of land in Section Thirty (30), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska, legally described as follows:

TRACT A

A tract of land being part of the West Half (W^{1/2}) of Section Thirty (30), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 30 and assuming the West line of the Southwest Quarter as bearing S 00°04'38" E and all bearings contained herein are relative thereto; thence S 00°04'38" E on said West line a distance of 161.75 feet; thence S 71°43'41" E a distance of 1018.78 feet; thence Northwesterly along a non-tangent curve to the right, having a central angle of 55°35'07", a radius of 1411.27

feet, an arc length of 1369.14 feet and a chord bearing N 47°21'46" W a distance of 1316.07 feet to the West line of said Northwest Quarter; thence S 00°03'46" E on said West line of said Northwest Quarter a distance of 410.25 feet to the place of beginning. Containing 3.03 acres, more or less.

TRACT B

A tract of land being part of the Southwest Quarter (SW¼) of Section Thirty (30), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 30 and assuming the West line of the Southwest Quarter as bearing S 00°04'38" E and all bearings contained herein are relative thereto; thence S 00°04'38" E on said West line a distance of 161.75 feet; thence S 71°43'41" E a distance of 1018.78 feet to the ACTUAL POINT OF BEGINNING; thence S 56°39'22" E a distance of 101.11 feet; thence S 82°55'29" E a distance of 207.05 feet; thence N 67°32'38" E a distance of 88.92 feet; thence Westerly along a non-tangent curve to the right having a central angle of 15°16'18", a radius of 1411.27 feet, an arc length of 376.16 feet, and a chord bearing N 82°47'25" W a distance of 375.05 feet to the point of beginning. Containing 0.22 acres, more or less.

TRACT C

A tract of land being part of the West Half (W½) of Section Thirty (30), Township Nine (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 30 and assuming the East line of said West half as bearing S 00°02'03" E and all bearings contained herein are relative thereto; thence S 00°02'03" E and on said East line a distance of 2269.40 feet to the ACTUAL POINT OF BEGINNING; thence S 00°02'03" E continuing on said East line a distance of 901.37 feet; thence N 83°15'08" W a distance of 821.33 feet; thence Northeasterly along a non-tangent curve to the left having a central angle of 47°53'18", a radius of 1411.27 feet, an arc length of 1179.55 feet and a chord bearing N 45°21'44" E a distance of 1145.52 feet to the point of beginning. Containing 6.29 acres, more or less.

and

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from BAR M R, INC., a Nebraska Corporation, on the real estate legally described hereinabove and BAR M R, INC., a Nebraska Corporation, is desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and BAR M R, INC., a Nebraska Corporation, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2003), on January 27, 2009, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2003) on February 4, 2009, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

PASSED AND ADOPTED this 10th day of February, 2009.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, Deputy City Clerk

PROCLAMATION:

Burnside presented a proclamation from the US Census Bureau, requesting cooperation by the City of Lexington in forming a "Complete Count Committee" to assure an accurate and complete count. Todd Wiltgen, US Census Bureau, gave an overview of the Census 2010 process and goals. Following discussion, moved by Miller, seconded by Bennett, to approve the proclamation as amended to include all council member signatures. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

ADA TRANSITION PLAN:

Burnside presented a draft ADA Transition Plan. Following review and discussion, moved by Bennett, second by Miller, to accept the ADA Transition plan as presented. Roll call. Voting "aye" were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch encouraged the members of the council who are to meet with the School Building and Grounds Committee to schedule a meeting as soon as possible. He also gave a brief update of the Legend Oaks housing project.

Burnside noted that a number of Planning Commission members are planning to attend the Nebraska Planning and Zoning Association conference in Grand Island later this month.

Fagot stated that he had been approached by two citizens requesting the council revisit the carry concealed weapons ordinance. There was no

interest from the other council members in doing this at this time. He also gave an update on the board reorganization of the LASWA. He noted that he has also been reappointed by the Governor of Nebraska to serve on the Executive Board of the Workforce Development of Greater Nebraska. He served on the board previously from 1998-2004.

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