

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 23, 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, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Pepplitsch, City Attorney Will Weinhold, Finance Director Barb Mills and Deputy City Clerk Pamela Berke. Assistant City Manager Dennis Burnside arrived at 6:15 p.m. The press was represented by the Kearney Hub and the Lexington Clipper-Herald. Also in attendance was Dana Daniels of Miller & Associates.

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 6-9-09**

Minutes of the Regular meeting held Tuesday, June 9, 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.

**MINUTES – PLANNING
SESSION 6-20-09**

Minutes of the Planning Session held Saturday, June 20, 2009, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$1,400,571.78 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$306,382.90 from the General Fund, \$958,146.18 from LEXUS, \$25,319.04 from Sanitation, \$3,336.25 from Landfill, \$2,228.62 from Ambulance Fund, \$100,313.13 from Health Fund, and \$4,845.66 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
June 23, 2009**

AFLAC	Premium	985.51
Alltel	Service	52.33
American Ramp Company	Skate PK Equipment	38,562.35
Anderson Graphics	Library Supplies	26.25
Audio Editions	Books	955.87
Automotive Sales & Service Co.	Central Garage Supplies	178.41
B & D Office City	Supplies	338.05

Barco Municipal Products	ST Supplies	832.92
Barmore Drug Store, Inc.	Supplies	3.98
Bauer Underground, Inc.	North Sub 104 Feeder Conversion	3,708.20
Berke, Dave	Mowing Service	50.00
Bill's Trailer Sales	Air Trailer-Fire Dept.	5,905.00
Britt, Irene M	Tow Refund	90.95
Business Card	Conference/PK/ST Supplies	1,597.12
Cambridge, City of	Softball Tournament Entry Fees	250.00
Card Center/Orscheln	Cem/WWTP/Fire Dept. Supplies	219.52
Case Credit Advantage	WWTP Tractor Repair	2,636.25
Cash-Wa Distributing	Food & Supplies	4,256.56
Central Garage Fund	Service/Repair	25,824.52
Certified Laboratories	Central Garage Supplies	117.92
Coca Cola/Dr Pepper Bottling Krny	Beverages	464.00
Conney Safety Products	Coats/Gloves	340.44
Davis Energy, Inc.	Rec Supplies	26.00
Dawson County Clerk	Dispatch Fees	25,000.00
Deeter Foundry, Inc.	SW Supplies	650.00
Dell Marketing L P	Computer	1,050.57
Demars Gordon Olson & Zalewski	Professional Service	2,894.38
Demco	Library Supplies	135.83
Eakes Office Plus	Library Supplies	288.78
Electric Fixture	PK/WWTP Supplies	451.82
Electronic Systems	GGC Service	35.00
EMS Billing Service, Inc.	Ambulance Service	2,008.62
Eustis Body Shop	Repair	745.60
Evans, Sean	Red Cross Reimbursement	125.00
Fagot Refrigeration & Electric	WWTP/Aquatic Ctr/PK/WR/Cem Svc/Rep	2,084.06
Farmer Brothers Coffee	Food & Supplies	149.16
Fastenal	WR Supplies	35.25
Fisher Scientific	WWTP Supplies	179.74
Follett Software Co.	Library Supplies	128.03
FYR-TEK	Fire Dept. Service	1,169.20
Gale Group, The	Book	23.37
Great Plains One-Call Service	Locates	2.36
Health Claims Fund	Claims	96,834.68
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
HTM Sales, Inc.	SW Repair	338.40
Ingram Library Services	Books	658.41
K.R.V.N.	Library/Rec Promotions	255.00
Landmark Implement, Inc.	WWTP Supplies	34.75
Lexington Recreation Program	Softball Tourn-Start-up/Officials	5,950.00
Lexington Truck & Auto	Central Garage Supplies	20.00
Lexington True Value	Aquatic Center/PK Supplies	105.07
Payroll	Wages	121,608.57
Social Security	Employer Portion / FICA Med	9,057.97
First National Bank	Employer Portion / Pension	3,199.60
First National Bank	Police Pension	0.00
ICMA	City Manager Pension	408.46
LexisNexis Matthew Bender	Book	114.00
Lien, Inc.	Sprinkler Repair	165.65
Little Caesars	Food	65.00
Lubberstedt, Wesley	EL Incentive Program	30.00
Mac's Short Stop	Food & Supplies	110.33
May Engineering	EL Service	37.33
Mead Lumber & Rental-Lexington	Aquatic Ctr/Cem/WWTP/Rec/WR Spls	579.39
Meyer Laboratory, Inc.	Pool Supplies	35.55

MicroMarketing, LLC	Books	394.11
Miller & Associates	Bike Trail/NW Detention/AC Painting	11,688.70
Nebraska Library Association	Registration	10.00
Nebraska Machinery	CG Supplies/Overhaul Engine	20,029.84
NE Public Health Environmental Lab	WR Tests/Police Service	2,143.00
Nebraska Public Power District	Power Purchase	639,022.32
Nebraska Safety Council	ST Supplies	9.38
Neopost	Postage	1,500.00
Omaha Slings, Inc	ST Supplies	26.81
Paulsen, Inc.	Concrete	173.34
Peerless Energy Systems	WWTP Supplies	288.82
Perry, Brian	Softball Entry Fees	79.35
Plum Creek Market Place	Food	56.73
Plum Creek Motors	Repair	976.50
Presto-X LLC	Fire Dept. Service	75.00
Proteus Enterprises, Inc.	Books	1,198.00
Rima, Sherry	EL Rebate	1,025.00
Roberts Dairy Company	Beverages/Food	548.42
RSC Equipment Rental	Central Garage Supplies	44.04
S & W Auto Parts, Inc.	WWTP/CG/Police/Cem. Spls	488.13
Schwan's Sales Ent	Food	77.43
Service Master of Mid Nebraska	Library/GGC Cleaning Service	2,950.00
Subway Sandwiches & Salads	Food	40.85
T.O. Haas Tire Co., Inc.	Repair	14.75
TASC	Premium	190.00
Thompson Co., The	Food & Supplies	1,814.20
TierOne-LB Petty Cash	Postage/Food	58.62
U-Save Business Equipment	Supplies	21.28
Van Diest Supply Company	Central Garage Supplies	70.00
Vic's Corn Popper	Food	210.00
Village Uniform	Aquatic Center Supplies	245.00
Wal-Mart	Supplies	391.70
Alltel	Service	99.63
Arrow Seed Company, Inc.	Grass Seed	566.00
Cash-Wa Distributing	Food & Supplies	932.74
Coca Cola/Dr Pepper Bottling Kmy	Beverages	180.00
Dan's Sanitation	Sanitation Fees	25,319.04
Dawson Area Development	2009 Industry Appreciation Day	810.00
Egan Supply Company	Janitorial Supplies	178.14
Electric Fixture	PK/EL Supplies	355.61
Fairbanks International, Inc.	Utility Vehicles-PK/Rec/Cem.	18,600.00
Gothenburg Flying Service	Weed Spraying	3,336.25
H D Supply Waterworks	WR Supplies	1,009.56
Health Claims Fund	Claims	2,302.94
Ingram Library Services	Books	112.64
Jakes Toro Sprinklers	Repair	66.66
Lexington Boy Scout Troop #88	Recycling	17.85
Lexington Boy Scout Troop #144	Recycling	17.85
Lexington Girl Scouts	Recycling	35.70
Lexington Newspapers, Inc.	Publications	224.30
Lexington Utilities System	Utilities	29,187.15
Lexington, City of	Franchise Fees	52,515.76
Mead Lumber & Rental-Lexington	PK/WR Supplies	242.27
Mid-Nebraska Food Bank	Food & Supplies	72.11
Miller & Associates	Retainer Service	800.00
Miller Mechanical Specialties, Inc.	WWTP Supplies	605.10
Mills, Barbara	Conference	128.70

Nebraska Public Power District	O & M	67,000.00
Nebraska Public Power District	Capital Projects	140,136.91
Paulsen, Inc.	Concrete/Gravel	486.64
Price's Tree Service	Tree Removal	3,900.00
TierOne-City Petty Cash	Postage/Food/Supplies	65.21
TierOne-Lib. Petty Cash	Postage/Food	12.05
U-Save Business Equipment	UPS Charges	113.98
Village Uniform	GGC Supplies	72.80
Wal-Mart	Supplies	19.79
TOTAL CLAIMS:		1,400,571.78

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a grant application to Edward Byrne Memorial Justice Assistance Program FY 2009. Peplitsch reviewed the details of the application for funds to acquire a new police package cruiser. He noted this may be a catalyst to update the entire police fleet. There were no public comments received. The public hearing was closed. Moved by Miller, seconded by Salem, to authorize the submission of the grant application as presented. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

LEGEND OAKS IMPROVEMENTS:

Dana Daniels, Miller & Associates, presented plan and specifications for paving and sanitary sewer improvements associated with the Legend Oaks housing project. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Manager to solicit bids for the Legend Oaks Infrastructure Improvements project. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

SOCCER FIELD IMPROVEMENTS:

Daniels presented plans and specifications for spectator area improvements associated with the soccer field project. He outlined plans for back-to-back seating foundations and retaining walls. Following discussion, moved by Bennett, seconded by Salem, to authorize the City Manager to solicit bids for the Soccer Fields Spectator Area Improvements project. Roll call. Voting "aye" were Miller, Tomasek, Salem, Bennett, Fagot. Motion carried.

RESOLUTION:

Resolution No. 09-14 was presented for Council consideration. Following discussion and an update of the 13th Street Reconstruction Project, moved by Salem, seconded by Miller, to approve Resolution No. 09-14 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2009-14

WHEREAS, it is in the best interests of the City of Lexington to enter into an Agreement with the Nebraska Department of Roads for Project No. STPAA-6556(4), State Control No. 61338, 13th Street Reconstruction;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, that the President of the Council is hereby directed and authorized to execute on behalf of the City of Lexington Supplemental Agreement No. 2 with the State of Nebraska Department of Roads for Project No. STPAA-6556(4), State Control No. 61338, 13th Street Reconstruction.

Passed and approved on June 23, 2009.

John Fagot, President of Council

ATTEST: Joe Peplitsch, City Clerk

RESOLUTION:

Resolution No. 09-15 was presented for Council consideration. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 09-15 as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO 09-15

Whereas, The Nebraska Department of Roads requires the City to have documented and established practices for administration of Federal-aid transportation projects;

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

1. The City of Lexington, Nebraska does hereby adopt by reference the requirements of the LPA Guidelines Manual relating to Evaluation and Selection of Consultant Services, and hereby designates the Lexington City Manager Joe Peplitsch and Assistant City Manager Dennis Burnside as individuals responsible for management of the process.
2. The City of Lexington, Nebraska does hereby adopt by reference the requirements of the LPA Guidelines Manual relating to Uniform Relocation Assistance and Real Property Acquisition Policies Act and hereby designates the Lexington City Manager Joe Peplitsch and Assistant City Manager Dennis Burnside as individuals responsible for management of the process.
3. The City of Lexington, Nebraska does hereby adopt by reference the requirements of the LPA Guidelines Manual relating to The National Environmental Policy Act (NEPA), and hereby designates the Lexington City Manager Joe Peplitsch and Assistant City Manager Dennis Burnside as individuals responsible for management of the process.

PASSED AND APPROVED this 23rd day of June, 2009

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Joe Peplitsch, City Clerk

ELECTION CERTIFICATION: Peplitsch requested Council acceptance of the May 12, 2009, special election results as certified by the Dawson County Clerk. Two issues were considered in the election: Issue #1 approval of the Lexington Economic Development Program 2010-2020, 168 votes in favor, 57 opposed; Issue #2 approval of local option sales tax funding of the Lexington Economic Development Program 2010-2020, 170 votes in favor, 57 opposed. Moved by Miller, seconded by Tomasek, to accept the election results from May

12, 2009, special election as certified. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch presented the financial report for May 2009. Following discussion, moved by Salem, seconded by Bennett, to accept the financial report as presented. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch announced that he received notification a grant award for the Dawson County Opportunity Center and mentioned a press release is pending. He requested direction on meeting with Community Service Center Inc. and Keep Lexington Beautiful.

Burnside noted that he is attending a training session in North Platte for the Federal Highway Administration required for federal aid projects.

Being tornado and storm season, Fagot asked the press to reinforce that outdoor warning sirens are not meant to penetrate all homes and businesses in the community; they are outdoor warning systems, if residents are concerned that they cannot adequately hear the sirens they are encouraged to acquire weather radios or other warning systems for indoor use.


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

