

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 22, 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, and John Salem. 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 Kearney Hub. Also in attendance were Dana Daniels, Don Price, Dana Peterson, Dave Smith, Randy Veatch and members of Boy Scout Troop #88, Maria Trujillo de Ambriz, and others.

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 9-8-09 Minutes of the Regular meeting held Tuesday, September 8, 2009, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Tomasek, Salem, Fagot. Motion carried.

MINUTES – BUDGET HEARING – 9-10-09 Minutes of the Budget hearing held Thursday, September 10, 2009, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Miller, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$504,498.85 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 \$199,042.73 from the General Fund, \$96,608.00 from TIF Fund, \$10,000.00 from ED Reuse Fund, \$131,041.27 from LEXUS, \$25,578.31 from Sanitation, \$4,663.18 from Ambulance Fund, \$31,682.26 from Health Fund, and \$5,883.10 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 22, 2009**

Ace Irrigation and Mfg. Co.	PK Supplies	434.84
Adamson, Tom	Library Book	8.00
AFLAC	Premium	936.13
Alltel	Service	52.43
Alamar Uniform Co.	Uniform Expense	253.39
Associated Supply Company, Inc.	Aquatic Center Supplies	2,878.85

Audio Editions	Library Supplies	154.29
Berke, David	Mowing/Yard Cleaning Service	415.00
Bibliographical Center for Research	Subscription	16.74
Big Red Press	Library Book	11.03
Bob's Auto Repair & Service	Police Dept. Repair	241.50
Bottom Line/Health	Subscription	29.95
Business Card	Conf/Shirts/Ambulance Supplies	1,384.46
Card Center/Orscheln	PK/ST Supplies	19.76
Case Credit Advantage	Fire/Central Garage Rep-Supplies	969.41
Cash-Wa Distributing	Food & Supplies	615.53
Central Garage Fund	Repair/Service	7,660.91
Concrete Saw & Core	SW Service-Legend Oaks Project	673.00
Copper, Michael	Mowing Service	260.00
Danko Emergency Equipment Co.	Police Dept. Supplies	52.94
Davis Energy, Inc.	Fuel/Propane/Supplies	3,806.77
Dawson County Clerk	Dispatch Fees	24,329.70
Dawson County Register of Deeds	Filing Fees	39.50
Eakes Office Plus	Library Supplies	31.27
Electric Fixture & Supply	EL Supplies	43.74
EMS Billing Services, Inc.	Ambulance Service	1,787.66
Eustis Body Shop	Fire Dept. Repair	309.23
Fagot Refrigeration & Electric, Inc.	WR Dept./Aquatic Center Repair	653.20
Fifth Street Automotive	Vehicle Repair	19.26
Fireguard, Inc.	Fire Dept. Repair	65.80
Fisher Scientific	WWTP Supplies	251.73
Fox Bros. Hay Co., Inc.	Tree Grinding	3,573.90
FYR-TEK	Fire Dept. Supplies	633.58
Gale Group, The	Library Books	47.63
HD Supply Waterworks	WR Supplies-Legend Oaks Project	1,953.86
Health Claims Fund	Claims	19,000.12
Hoehner Turf	Sprinkler Repair	160.00
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
Hunt Cleaners, Inc.	PK/ST/WR/Cemetery Supplies	926.06
Hygienic Laboratory	WR Testing	5,460.00
Ingram Library Services	Library Books	584.82
Jim Phillips Const.	ST Repair/Hike-Bike Trail	3,039.77
Johnson Service Company	SW Service	500.00
K. R. V. N.	Advertising	489.60
Kiplinger Letter, The	Subscription	49.00
Kovels on Antiques and Collectibles	Subscription	27.00
Lexington, City of	CED Addition/Hike-Bike Trail	96,608.00
Lexington Newspapers, Inc.	Publications	1,082.56
Lexington Postmaster	Annual Fee	185.00
Lexington Public Schools	Liquor & Tobacco License Refund	6,250.00
Lexington True Value	Fire Dept. Supplies	59.78
Linda's Stitches & Laser Art	Sweatshirts	1,608.90
Mead Lumber & Rental-Lexington	SW Supplies	15.30
Mid-State Units	Rental	652.00
Midwest Laboratories, Inc.	WWTP Testing	182.30
Moore Medical	Ambulance Supplies	729.55
Morris Press	GGC Supplies	73.00
Mr. Automotive	Central Garage Supplies	58.77
Municipal Automation & Control	WWTP Service	195.35
Municipal Service & Supply Company	WWTP Supplies	1,424.56
National Recreation & Park Association	Membership Dues	140.00
Nebr. Public Health Environmental Lab.	WR Testing	3,926.00
Nebraska Bureau of Animal Industry	License Fee	125.00

Nebraska Department of Revenue	Ne. Waste Reduction/Recycle Fee	25.00
Nebraska Environmental Products	Central Garage Supplies	760.00
Nebraska Library Commission	Conference	175.00
Nebraska Power Review Board	Annual Fees	1,122.20
Nebraska Tech & Telecom, Inc.	Telephone Expense	1,339.65
Neopost	Postage	1,500.00
North Platte Telegraph, The	Subscription	146.00
Olsson Associates	Professional Service	145.78
Osborne, Cyndi	EL Incentive Program	30.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Concrete/Rocks	398.70
Physicians' Desk Reference	Library Book	64.95
Physio-Control, Inc.	Ambulance Supplies	393.82
Plum Creek Cleaners	Supplies	236.50
Plum Creek Market Place	Food	14.55
Plum Creek Promotions	T-Shirts	401.20
Roberts Dairy Company	Beverages	74.88
S & W Auto Parts, Inc.	Cemetery/Central Garage Supplies	681.34
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,950.00
Sign Pro	Sign	26.75
Steve's Lock & Key	PK/Library Supplies	413.20
Subway Sandwiches & Salads	Food	39.86
T. O. Haas Tire Co., Inc.	Tires/Repair	322.86
TASC	Admin Fees	171.00
Taste of Home Books	Library Book	29.98
Team Detail & Quicklube	Car Wash	89.95
Thompson Company, The	Food	224.86
TierOne-Lib. Petty Cash	Postage/Supplies	71.33
Tri-County Hospital	Wellness/Ambulance Supplies	1,538.00
U-Save Business Equipment	Postage/UPS/Supplies	484.33
Village Uniform	GGC Supplies	220.00
Wal-Mart	Supplies	576.04
Ward Laboratories	WR Samples	52.00
Weathercraft Companies	Repair	183.00
Wesco Distribution, Inc.	EL Supplies	462.24
Wightman & Wightman	Professional Service	225.00
Wolf, Tracy	Conference	190.90
Yant Equipment Co., Inc.	Central Garage Supplies	1,467.49
Alltel	Service	67.82
Associated Supply Company, Inc.	Aquatic Center Supplies	2,914.63
B & D Office City	Police Supplies	128.91
Bernal, Raymond	EL. Rebate	1,025.00
Bonczyski, Len	EL. Rebate	1,175.00
Card Center/Orscheln	PK/ST/Aquatic Center Supplies	77.81
Cash-Wa Distributing	Supplies	177.70
Community Redevelopment Authority	ED Reuse	10,000.00
Concrete Industries, Inc.	SW Supplies-Legend Oaks	540.00
Dan's Sanitation	Sanitation Fees	25,578.31
Demco	Library Supplies	116.55
Dugan Business Forms	Supplies	675.05
Dutton-Lainson Company	EL Supplies-Legend Oaks	1,617.94
Electric Fixture & Supply	EL/WWTP Supplies	129.48
Health Claims Fund	Claims	11,575.01
Jeffrey, Richard	EL Rebate	1,200.00
Lexington Area Chamber of Commerce	Conference	21.00
Lexington Boy Scout Troop #88	Recycling	14.50
Lexington Boy Scout Troop #144	Recycling	14.50

Lexington Girl Scouts	Recycling	29.00
Lexington, City of	Franchise Fees	62,807.25
Payroll	Wages	101,264.74
Social Security	Employer Portion / FICA Med	7,509.91
First National Bank	Employer Portion / Pension	3,216.39
First National Bank	Police Pension	1,678.56
ICMA	City Manager Pension	443.07
Lexington Utilities System	Utilities	26,586.47
Linweld	Ambulance Service	41.95
Lynch, Robert	EL Rebate	300.00
Mead Lumber & Rental-Lexington	SW Supplies	60.81
Meals on Wheels Support Group	Kitchen Equipment	3,450.00
Miller & Associates	Retainer Service	800.00
Mr. Automotive	Police Dept. Supplies	25.81
Pinnacle Bank	ST Sweeper Pmt.	19,798.94
Plum Creek Promotions	T-Shirts	1,031.75
Price's Tree Service	Tree Removal	150.00
Roberts Dairy Company	Beverages	204.13
Statewide Collections, LLC	Collection Fees	269.03
Thompson Co., Inc.	Food	207.26
TierOne-City Petty Cash	Food/Postage	36.89
TierOne-Lib. Petty Cash	Food/Postage/UPS Charges	44.97
U-Save Business Equipment	Postage/UPS/Supplies	755.27
USA Bluebook	WR Supplies	121.95
Wal-Mart	Supplies	99.70
	TOTAL CLAIMS:	504,498.85

LIQUOR LICENSE:

Brenda Gonzalez, a representative of the El Jalisience Restaurant, requested Council approval of a Class "I" liquor license application for the restaurant located at 731 ½ East Pacific, Lexington, NE. She explained their clientele have requested on sale liquor sales and that staff has begun training. Peplitsch reported that no adverse comments have been received regarding the business or the application. Following discussion, moved by Miller, seconded by Salem, to recommend approval to the Nebraska Liquor Control Commission of the application by Maria Trujillo de Ambriz dba El Jalisience for a Class "I" liquor license. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

FINAL PLAT:

Peplitsch presented a final plat for the proposed Northwest Third Addition, highlighting several revisions. Following discussion, Resolution No. 09-22 was presented for council consideration. Moved by Salem, seconded by Tomasek, to approve Resolution No. 09-22 as presented. Roll call. Voting "aye" were Miller, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-22
NORTHWEST THIRD ADDITION

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

The plat of NORTHWEST THIRD ADDITION, an addition to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and

recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 22nd day of September, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

FINAL PLAT:

Dana Peterson, Miller & Associates, presented a final plat of the proposed Price's Third Addition. He reviewed revisions from a previously proposed plat of the addition; the property would be subdivided and annexed into the corporate limits, with no dedicated roadways. Following subdivision and annexation, a change in zoning and a special use permit for the property will be requested to develop 18 mobile home park spaces to be incorporated into Price's Court, with private roadways and a green space buffer between single family residential uses to the west. Peplitsch noted that Price and City staff have been working to meet all requirements and codes for such development and indicated that the desire is to bring the entire mobile home park as close to current code standards as possible. He also reported that Don Price has completed the majority of infrastructure improvements in Price's Addition to the north and believes the overall development plan for the area is positive. Following discussion, Resolution No. 09-23 was presented for Council consideration. Moved by Miller, seconded by Salem, to approve Resolution No. 09-23 as presented. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

RESOLUTION NO. 09-23
PRICE'S THIRD ADDITION

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

The plat of PRICE'S THIRD ADDITION, an addition to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 22nd day of September, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

OPPORTUNITY CENTER:

Peplitsch reviewed a bid tabulation for the Dawson County Opportunity Center Phase I Renovation project, noting that the low bid was submitted by Paulsen, Inc. He reported that the school board concurs with the low base bid and has passed a resolution of support for the project, including alternate #1 bid item. He recommended the acceptance of alternate #2 as

well. An occupancy agreement between the City and the School District will be drafted in the near future to identify cost responsibilities of both parties on the joint use of the facility. Following discussion, moved by Miller, seconded by Salem, to approve the base bid with alternates #1 and #2 and award the contract to Paulsen, Inc. and to authorize the city manager to execute necessary documents. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

IMPROVEMENT DISTRICT: An ordinance entitled "AN ORDINANCE CREATING IMPROVEMENT DISTRICT NO. 09-01, PROVIDING FOR GRADING, CONCRETE or ASPHALT PAVING, CURB AND GUTTER, AND DRAINAGE THEREIN; TO PROVIDE FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Burnside explained that City staff had met with abutting property owners regarding the project and received positive comments. Following discussion, moved by Salem, seconded by Miller, to suspend the rules regarding the reading of ordinances on three separate occasions. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2268 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2268 on final reading. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

PAY REQUEST: Dana Daniels reviewed Pay Request #1(Final) from Paulsen Inc. and a Certificate of Substantial Completion for the Soccer Stadium improvement project. He noted that the retaining wall, bleacher area, sidewalks and approaches have been satisfactorily completed and recommended approval of both documents. Following discussion, moved by Salem, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Tomasek, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Tomasek, to approve the Certificate of Substantial Completion as presented. Roll call. Voting "aye" were Miller, Tomasek, Salem, Fagot. Motion carried.

ACCOUNTS RECEIVABLE: Peplitsch requested authorization to remove balances for accounts deemed uncollectible. Following discussion, moved by Tomasek, seconded by Miller, to authorize the City Treasurer to remove balances for accounts deemed uncollectible as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Fagot. Motion carried.

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

ROUNDTABLE: Peplitsch reported that Dawson County's plan for the use of Energy Efficiency Block Grant funds has been approved, the city will receive funding assistance to upgrade heat pumps at the municipal building as part of the plan. A preliminary program plan for the New Neighborhood II initiative will be submitted by September 30th, it is anticipated that housing activities under this program will start by the second quarter of 2010. He noted that there is a Council planning session scheduled for Saturday, October 3rd, and that monthly planning sessions will be scheduled through March 2010.

Burnside provided a picture of the soccer stadium base and reported that RFP's for bleachers will be developed soon to ensure completion of the stadium project to accommodate spring soccer.

Miller stated that she has had citizen inquiries regarding sidewalk installation near Sandoz School.

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