

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 8, 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, and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub.

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 8-25-09 Minutes of the Regular meeting held Tuesday, August 25, 2009, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,616,891.91 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 \$216,039.76 from the General Fund, \$4,042.50 from ED Reuse, \$1,596.00 from Housing Reuse, \$1,366,794.02 from LEXUS, \$10,000.00 from Sanitation, \$535.34 from Ambulance Fund, \$13,716.68 from Health Fund, and \$4,167.61 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
September 8, 2009**

Alamar Uniform Co.	Uniform Expense	147.33
All Points Cooperative	Fuel/Insecticide	382.92
Associated Supply Company, Inc.	Aquatic Center Supplies	46.80
Audio Editions	Books	801.67
Automotive Sales & Service Co.	Central Garage Supplies	41.61
Axis Capital, Inc.	Mail Machine Payment	527.37
Barco Municipal Products	ST Supplies	1,233.04
Barmore Drug Store, Inc.	EL/Police Dept. Supplies	13.40
Berke, David	Mowing Service	150.00
Better Homes and Gardens	Book	32.92
Brenntag Great Lakes, LLC	WWTP Supplies	375.00
Card Center/Orscheln	Aquatic Cntr/Fire Dept/PK Spls	184.37

Cash-Wa Distributing	Supplies	356.00
Castle Architecture LLC	Rec Complex Stadium Imp	720.00
Central Garage Fund	Fuel/Service/Repair	10,737.34
Chavez, Armando	Boots	42.22
Chief Supply Corp.	Fire Dept. Supplies	707.95
Concrete Industries, Inc.	SW Supplies-Legend Oaks Project	4,669.98
Culligan Water Conditioning Company	Soft Water Supplies	190.50
Dan's Sanitation	Sanitation Fees	11,203.65
Davis Energy, Inc.	Fuel	4,555.39
Dawson Area Development	Advertising	215.00
Dawson Pest Control	GGC Service	35.00
Depository Trust Company	2004 Combined UTL Bond Pmt.	124,468.75
Diamond Vogel Paint	PK Supplies	466.83
Dutton-Lainson Company	EL Supplies	292.15
Egan Supply Company	ST Supplies	32.91
Eilers Machine & Welding	WWTP Supplies	41.30
Electric Fixture & Supply	Library Supplies	228.54
Fagot Refrigeration & Electric	WWTP Repair	83.60
Fastenal	WWTP Supplies	78.55
Fisher Scientific	Testing Supplies	305.76
Flowers of Joy	Supplies	21.40
FYR-TEK	Fire Dept. Supplies	340.00
Gale Group, The	Books	423.36
Galls, Inc.	Supplies	182.03
Hach Company	Testing Supplies	211.95
Health Claims Fund	Claims	10,450.61
Holbein, Dahlas	Lawn Service	630.00
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	361.39
Jim Phillips Const.	Concrete-Service Building	7,866.00
Jones Plumbing & Heating	Aquatic Cntr/WR/WWTP Spls	315.07
Kapco	Library Supplies	52.49
Landmark Implement, Inc.	Central Garage Supplies	88.24
Lexington Animal Clinic	Animal Care	595.60
Lexington Area Solid Waste Agency	Landfill	1,205.64
Lexington Health Fund	Self-Funding	33,351.58
Lexington Newspapers, Inc.	Publications	263.80
Lexington Postmaster	Postage	150.00
Lexington True Value	Fire Dept. Supplies	7.47
Lexington, City of	Franchise/Service Fees	47,753.30
Linweld	Ambulance Service	103.00
McCookNet Internet Service	Service/Library System	5,654.48
Meritain Health	Premium-Aug. & Sept.	42,808.54
Mr. Automotive	Fire Dept. Supplies	3.05
Nebraska Dept. of Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Law Enforcement	Recertification	50.00
Nebraska Machinery	Packer Rent-Legend Oaks Project	2,325.12
Nebraska Public Power District	Power Purchase	966,655.50
Nebraska Public Power District	O & M	67,000.00
Nelson, Margie	Cleaning Service	500.00
Nelson, Tom A.	Safety Glasses	182.00
Omaha Slings, Inc.	WWTP Supplies	184.33
Overton Sand & Gravel	Fill Sand	383.53
Peak Interest	Food	32.78
Platte Valley Communications	Service/Repairs	666.51
Presto-X LLC	Fire Dept. Service	75.00
Principal	Premium	1,620.94

Randy Chapman Construction	CED Project	1,596.00
S & W Auto Parts, Inc.	Central Garage Supplies	221.66
Scholastic Library Publishing	Books	240.50
Service Master Mid Nebraska	Cleaning Service	379.12
Source Gas, LLC	Gas Service	3,777.87
Statewide Collections LLC	Collection Fees	48.75
T. O. Haas Tire Co., Inc.	Tires	194.20
The Mailbox Magazine	Subscription	29.95
Thomas Bouregy & Company, Inc.	Books	139.50
TierOne-Lib. Petty Cash	Postage/Book	41.35
Total Lawn Care	Lawn Service	3,570.00
Tri-City Tribune	Publication	480.00
Tyler Technologies	Software Maintenance	15,431.00
U-Save Business Equipment	Supplies	645.50
Wal-Mart	Supplies	250.71
Alltel	Service	123.09
Brown Traffic Products	EL Supplies	797.50
Burnside, Dennis	EL Incentive Program	30.00
Career Services, Inc.	EL Rebate	1,025.00
Cash-Wa Distributing	Food & Supplies	1,821.93
Dan's Sanitation	Sanitation Fees	1,560.00
Danko Emergency Equipment Co.	Fire Dept. Supplies	59.84
Dawson County Public Power	Power Purchase	7,669.26
Decatur Electronics, Inc.	Radar Trailer	9,185.00
Demco	Library Supplies	66.52
Electric Fixture	Library Supplies	852.60
Fagot Refrigeration & Electric	GGC/Pool/Fire/Office Svc/Rep	816.91
Farmer Brothers Coffee	Food & Supplies	85.00
Fastenal	PK/WWTP Supplies	43.86
Great Plains One-Call Service	Locates	93.57
Health Claims Fund	Claims	1,645.13
Ingram Library Services	Books	120.33
Jim Phillips Const.	ST Repair	1,349.27
Jones Plumbing & Heating	WWTP Repair	244.00
Lexington Family Eyecare	Safety Glasses	111.00
Lexington Newspapers, Inc.	Publications	949.60
Payroll	Wages	109,848.09
Social Security	Employer Portion / FICA Med	8,151.86
First National Bank	Employer Portion / Pension	3,710.11
First National Bank	Police Pension	1,507.57
ICMA	City Manager Pension	408.46
Lundeen-Isaacson, Inc.	Premium	446.18
Matt Parrott and Sons Co.	Supplies	212.52
Mead Lumber & Rental - Lexington	WWTP Supplies	24.14
Mid-Nebraska Food Bank	Food	58.53
Municipal Supply	WR Supplies-Legend Oaks Project	10,380.96
Nebraska Department of Revenue	Sales & Use Tax	50,007.99
Nebraska Waste Handlers	Sludge Removal	7,738.00
NTV	Advertising	1,635.00
Paulsen, Inc.	Concrete/Gravel	1,034.45
Plum Creek Market Place	Food	37.03
Plum Creek Promotions	Rec Shirts	3,464.00
Roberts Dairy Company	Food/Beverages	447.40
Service Master Mid Nebraska	Cleaning Service	65.00
Thompson Company, The	Food	1,037.21
TierOne-City Petty Cash	Food/Fuel/Postage	33.63
TierOne-Library Petty Cash	Postage/Food	56.31

U-Save Business Equipment	Supplies	86.58
Village Uniform	GGC Supplies	234.20
Wal-Mart	Supplies	6.17
Ward Laboratories	WR Samples	78.00

TOTAL CLAIMS: 1,616,891.91

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a loan application to the Lexington Economic Development Program from Sund Investments, LLC. Peplitsch advised the application is for a \$250,000 loan to construct a 20,000 square foot industrial spec building. He noted the CRA is considering a redevelopment contract to assist the project in terms of property acquisition and infrastructure extensions in RDA#1. He noted that per program guidelines, a CED committee has reviewed the application and recommended approval. There being no further comments, the public hearing was closed. Following discussion, moved by Salem, seconded by Miller, to approve the loan agreement, and authorize the City Manager to execute any required documents. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried. Mayor Fagot thanked the Sunds for their initiative on this project.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a CDBG Downtown Revitalization grant application. Deb Jensen, DAD, noted that Phase 1 of the program would fund the hiring of a planning firm to complete a revitalization study of the downtown area, included in Redevelopment Area #3. The study would include focus groups of the designated area. She also explained the types of improvements that could be pursued upon successful completion of the planning phase. Rich McGinnis and Dick Helvey, members of the CED, noted that the CED board will be submitting a resolution of support for the grant application. The public hearing was closed.

RESOLUTION: Resolution No. 09-20 was presented for Council consideration. Moved by Miller, seconded by Tomasek, to approve Resolution No. 09-20 as presented. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION # 09-20

A RESOLUTION TO AUTHORIZE THE COUNCIL PRESIDENT AND CITY MANAGER OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR CDBG FUNDS

WHEREAS, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens’ comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application for an amount of thirty thousand dollars (\$30,000) to obtain a Downtown Revitalization Study; and,

NOW, THEREFORE, BE IT RESOLVED BY The Lexington City Council of the City of Lexington, that Council President John Fagot and City Manager Joe Peplitsch be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 8th day of September, 2009.

John Fagot, Council President

Joe Peplitsch, City Manager

**COMP DOWNTOWN
REVITALIZATION PLAN:**

Deb Jensen reviewed additional documents needed to submit the downtown revitalization grant application. Moved by Miller, seconded by Salem, to approve and authorize the City Manager to execute the Statement of Assurances and Certifications, Residential Anti-Displacement and Relocation Plan, and Citizen Participation Plan. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch reminded Council of the budget hearing scheduled for Thursday, September 10, 2009, at 6 p.m. He also gave an update on current projects.

Burnside reported on a recent meeting with property owners on East 17th Street regarding a gap paving project.

Bennett noted that she will be absent at the next regular council meeting.

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