

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 11, 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. Council Member Joni Bennett was absent. City Officials present were City Manager Joe Pepplitsch, 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 Lexington Clipper-Herald and Kearney Hub. Also in attendance was Bo Berry.

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 7-28-09 Minutes of the Regular meeting held Tuesday, July 28, 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.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,537,036.32 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$183,397.76 from the General Fund, \$4,042.50 from ED Reuse, \$1,303,839.05 from LEXUS, \$10,000.00 from Sanitation, \$3,249.23 from Ambulance Fund, \$27,626.94 from Health Fund, and \$4,880.84 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 11, 2009

All Points Cooperative	Fuel/Supplies/Fertilizer/Weed Spray	928.04
Alltel	Service	132.75
Arnold Pool Company	Aquatic Center Supplies	342.66
Axis Capital, Inc.	Mail Machine Payment	527.37
Barco Municipal Products	ST/Hike-Bike Trail Supplies	1,799.74
Barmore Drug Store, Inc.	Library/Ambulance Supplies	264.13
Bottom Line/Retirement	Subscription	39.00
Card Center/Orscheln	PK/ST/Central Garage Supplies	1,289.27
Cash-Wa Distributing	Food/Supplies	2,955.05
Central Garage Fund	Fuel/Repairs	12,966.02
Central Tire & Tread	Tire	384.00
Coca Cola/Dr Pepper Bottling Krny	Beverages	90.00

Dan's Sanitation	Sanitation Fees	11,243.82
Dawson County Handibus	Transportation	68.00
Dawson Pest Control	GGC Service	35.00
Delta Dental of Nebraska	Premium	1,412.85
Demars Gordon Olson & Zalewski	Professional Service	3,238.91
Diamond Vogel Paint	ST Supplies	1,529.70
Fastenal	Fire Dept. Supplies	8.30
Fireguard Inc.	Fire Dept. Service	1,453.12
FYR-TEK	Fire Dept. Supplies	43.98
Gale Group, The	Books	166.61
Hach Company	WWTP Supplies	74.69
HD Supply Waterworks	WR Supplies	3,562.67
Health Claims Fund	Claims	26,214.09
Holbein, Dahlas	Lawn Service	440.00
Holiday Inn Express	St. Softball Support Personnel	720.00
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	122.25
Jones Plumbing & Heating	WWTP/WR/GGC/ST Repair/Supplies	1,984.26
Kearney Hub	Publication	227.72
Kelly Tree Service LLC	Tree Trimming & Removal	23,200.00
Landmark Implement, Inc.	Central Garage Supplies	100.25
League of Nebraska Municipalities	Membership Dues	8,435.00
Lexington Animal Clinic	Animal Care	1,157.00
Lexington Area Solid Waste Agency	Landfill	1,334.88
Lexington Family Eyecare	Safety Glasses	99.00
Lexington Newspapers, Inc.	Publications	872.14
Lexington Postmaster	Postage	150.00
Lexington True Value	Fire Dept. Supplies	17.16
Lexington, City of	Franchise/Service Fees	47,756.06
Linweld	Ambulance Service	101.00
Mac's Short Stop	Food	22.02
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	PK/ST/Bldg. Inspection Supplies	379.77
Menards-Kearney	PK Supplies	391.78
Miller & Associates	Professional Service	500.00
Moore Medical	Ambulance Supplies	38.18
Morris Press	GGC Supplies	73.00
NE Dept Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Environmental Products	Central Garage Supplies	132.40
Nebraska Public Power District	O & M	67,000.00
Nebraska Public Power District	Power Purchase	994,554.56
Nebraska Public Power District	Legend Oaks Subdivision/North 104 Conv	60,805.49
Nebraska Waste Handlers	Sludge Removal	7,446.00
Nebraskaland Magazine	Subscription	18.00
Nelson, Margie	Cleaning Service	500.00
Paulsen, Inc.	Concrete	1,059.35
Peak Interest LLC	Food	35.78
Platte Valley Auto Mart	Central Garage Supplies	47.02
Platte Valley Communications	Service/Repairs	1,021.76
Plum Creek Cleaners	Supplies	175.50
Plum Creek Market Place	Food	47.25
Roberts Dairy Company	Food/Beverages	348.37
S & W Auto Parts, Inc.	Central Garage/Fire Dept. Supplies	417.69
Schwan's Sales Ent	Food	19.58
Service Master Mid Nebraska	Cleaning Service	379.12
Source Gas, LLC	Gas Service	4,220.89
State Wide Collections	Collection Fees	355.09

T. O. Haas Tire Co., Inc.	Tire	877.82
Thompson Co., The	Food & Supplies	1,137.39
TierOne-Lib. Petty Cash	Postage	30.57
Total Lawn Care	Lawn Service	3,261.00
Tri-City Tribune	Publication	80.00
U-Save Business Equipment	Supplies/UPS Charges/Postage	139.85
Van Diest Supply Company	Mosquito Insecticide	2,726.50
Village Uniform	GGC Supplies	21.70
Wal-Mart	Supplies	587.31
Alltel	Service	52.61
American Red Cross-Ft. Krny Chapter	Lessons/Training	674.00
Anderson Graphics	Rec/Library Service	152.80
Barmore Drug Store, Inc.	Ambulance Supplies	59.67
Bottom Line Books	Book	36.92
Business Telecommunication Systems	Repair	80.00
Card Center/Orscheln	WWTP Supplies	43.68
Cash-Wa Distributing	Food & Supplies	523.16
Country Books	Book	29.98
Culligan Water Conditioning Co.	Soft Water Supplies	280.59
Dawson Public Power District	Power Purchase	7,638.42
Demco	Library Supplies	568.02
Dutton-Lainson Company	WR/EL Supplies	2,068.05
Electric Engineering & Equipment	PK/Library Supplies	166.14
EMS Billing Services, Inc.	Ambulance Service	2,415.28
Flowers of Joy	Supplies	38.50
Great Plains One-Call Service	Locates	68.97
Ingram Library Services	Books	98.17
Jim Phillips Const.	Sidewalk Repair/W.6th St. Improvements	16,291.00
Lawson Products, Inc.	ST Supplies	207.15
League of Nebraska Municipalities	Membership Dues	3,896.00
Lexington Newspapers, Inc.	Publications	366.95
Payroll	Wages	120,667.45
Social Security	Employer Portion / FICA Med	8,986.00
First National Bank	Employer Portion / Pension	3,265.01
First National Bank	Police Pension	1,620.23
ICMA	City Manager Pension	408.46
Linweld	Ambulance Supplies	57.95
Michael Todd & Co., Inc.	WR/ST Supplies	231.82
Midwest Laboratories, Inc.	WWTP Supplies	1,630.00
Naumann, Sondra	Cleaning Service	198.00
NE Association of Senior Centers	Conference	80.00
Nebraska Department of Revenue	Sales & Use Tax	49,061.92
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,355.39
NTV	Advertising	1,355.00
Plum Creek Market Place	Food & Supplies	92.40
Roberts Dairy Company	Food/Beverages	221.92
Schwan's Sales Ent	Food	12.99
Service Master Mid Nebraska	Cleaning Service	65.00
Steve's Lock & Key	Business Office Supplies	144.96
Thompson Co., The	Food	274.88
TierOne-City Petty Cash	Supplies/Food/Postage	55.45
TierOne-Library Petty Cash	Postage/Food	53.50
Tri-County Hospital	Wellness	121.00
Village Uniform	Supplies	14.20
Wal-Mart	Supplies	226.06
	TOTAL CLAIMS:	1,537,036.32

CONSERVATION EASEMENT: Resolution No. 09-19 was presented for Council consideration. Following an update and discussion, moved by Salem, seconded by Miller, to approve Resolution No. 09-19 as presented. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION 09-19

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

WHEREAS, K & M LTD., a Nebraska Limited Partnership, is the owner of the following described real estate described on the attached Exhibit "B", which Exhibit "B" is incorporated herein and made a part hereof by this reference.

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from K & M LTD., a Nebraska Limited Partnership, on the real estate legally described hereinabove and K & M LTD., a Nebraska Limited Partnership, 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 K & M LTD., a Nebraska Limited Partnership, 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 July 14, 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 August 5, 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 11th day of August, 2009.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, Deputy City Clerk

SPECIAL USE AGREEMENT: A special use agreement for Lot 2, Westminster Woods Subdivision, was presented for Council consideration. Pepplitsch reviewed the draft agreement. Following discussion, moved by Miller, seconded by Tomasek,

to have Staff amend the proposed agreement as discussed and submit to the property owners for their consideration. Roll call. Voting “aye” were Salem, Tomasek, Miller, Fagot. Motion carried.

ELECTRICAL CAPITAL PROJECT:

Pepplitsch requested Council approval of an electric department capital improvement project entitled North 108 Feeder Conversion to 13.8 kV. Following project review and discussion, moved by Salem, seconded by Miller to approve the capital project as presented. Roll call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

CORRECTIVE PLAT:

Resolution No. 09-18 was presented for Council consideration. Pepplitsch explained this is a request from the developer to amend the building setback lines to bring the plat into conformance with project construction plans. The Planning Commission has reviewed the corrective plat and recommended approval. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 09-18 as presented. Roll call. Voting “aye” were Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-18

CORRECTED REPLAT OF BLOCK 3, PARKVIEW ADDITION

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

The CORRECTED REPLAT of BLOCK 3, PARKVIEW ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, duly made out, acknowledged and certified to be, 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 August 11, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PRELIMINARY PLAT:

Pepplitsch reviewed a preliminary plat entitled “Northwest Third Addition”, a residential subdivision; a joint venture between the City and Greater Lexington Corporation located in the general vicinity west of the 20th and Erie Street intersection. The proposed subdivision would include 70 single family lots, and an 8 acre block for planned residential use. Pepplitsch explained Planning Commission comments. Following discussion, moved by Miller, seconded by Salem, to approve the preliminary plat with amendments as discussed and forward to the Planning Commission for review as a final plat. Roll call. Voting “aye” were Tomasek, Salem, Miller, Fagot. Motion carried.

FIRE FEES:

Pepplitsch reviewed a joint agreement with the Lexington Rural Fire District for fire service billing. Under the agreement Fire-Extrication-Hazmat Billing LLP would provide billing services to insurance companies for fire suppression, extrication services, hazardous material cleanup and other related services. Following discussion, moved by Salem, seconded by Tomasek, to approve the agreement as presented, to authorize the city manager to execute required documents, and to name the fire chief as the fire department contact person.

Roll call. Voting "aye" were Miller, Tomasek, Salem, Fagot. Motion carried. Moved by Miller, seconded by Salem, to approve the billing rate schedule as presented with the joint agreement. Roll call. Voting "aye" were Tomasek, Salem, Miller, Fagot. Motion carried.

PROBATIONARY MEMBERS: A roster of probationary members of the Lexington Volunteer Fire Department was presented to Council. Probationary members include Lance Olsen, Ivan Soria, Brad Worthing, and Troy Moore Jr. Moved by Salem, seconded by Miller, to approve the LVFD probationary roster as presented. Roll call. Voting "aye" were Tomasek, Miller, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #1 from Paulsen, Inc. for the Monroe Street Paving Improvement project in the amount of \$130,901.45. Following an update of the project and discussion, moved by Tomasek, seconded by Salem, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Salem, Tomasek, Fagot. Motion carried.

BUDGET DISCUSSION: Council and Staff reviewed a draft of the proposed Fiscal Year 2010 Enterprise Fund budget.

ROUNDTABLE: Peplitsch will send an update on current projects to the council members soon.

Burnside reported that the new playground equipment in Arbor Park has been installed.

Berke reminded Council and Staff of the DAD Anniversary Dinner on August 14, 2009, in Cozad.

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