

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Monday, November 24, 2009, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> 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. Also present were Theresa Stuart and sons, Irving Hiatt, Don E. Price, Dave Smith, and Dana Peterson. The press was represented by the Lexington Clipper-Herald and the 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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 11-09-09** Minutes of the Regular meeting held Tuesday, November 9, 2009, were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING 11-17-09** Minutes of the Special meeting held on Tuesday, November 17, 2009, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$764,750.72 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$185,020.70 from the General Fund, \$153,155.97 from TIF, \$4,042.50 from ED Reuse, \$362,413.68 from LEXUS, \$25,429.45 from Sanitation, \$554.13 from Ambulance Fund, \$29,561.75 from Health Fund, and \$4,572.54 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
November 24, 2009**

Ace Irrigation and Mfg. Co.	Concrete Pipe	2,624.85
AFLAC	Premium	896.57
Alignment Concepts	Service	99.95
All Points Cooperative	WWTP Supplies	72.65
American Public Works Association	Membership Dues	232.00
Anderson Graphics	Lib. Service	67.50

Audio Editions	Books	611.35
Barnes & Noble Inc.	Books	79.92
Becerra, Alma	Service	50.00
Bibliographical Center for Research	Subscription	16.30
Blue Cross/Blue Shield of Minnesota	Ambulance Refund	80.27
Bob's Auto Repair & Service	Repair	389.76
Brenntag Great Lakes LLC	WWTP Supplies	262.50
Business Office Systems, Inc.	Office Supplies	322.94
Capstone Press, Inc.	Books	449.76
Card Center/Orscheln	WWTP Supplies	41.99
Cash-Wa Distributing	Food & Supplies	718.20
Central Fire & Safety, Inc.	Service	194.50
Central Platte Natural Resource Dist	PK Supplies	172.80
Child's World, The	Books	239.20
Community Redevelopment Authority	CEL/Lex.Investors/Ford&Ford	130,304.21
Copycat Printing	Insp. Supplies	59.04
Crafts 'N Things	Subscription	21.97
Demco	Lib.Supplies	611.03
Do It Yourself	Subscription	19.97
DeZurik Water Controls	WWTP Supplies	495.00
Eakes Office Plus	Supplies	44.75
Fisher Scientific	WWTP Supplies	66.66
Follett Software Co.	Lib. Service	660.00
Gale Group, The	Books	153.18
Hach Company	WWTP Supplies	251.94
Health Claims Fund	Claims	24,811.27
Holbein, Dahlas D.	Maint. & Cleaning	1,000.00
Huskers Illustrated	Subscription	51.95
Ingram Library Services	Books	426.42
Kapco	Lib. Supplies	70.57
Lexington Newspapers, Inc.	Publications	386.13
Lexington Rural Fire Protection	Building Pmt.	25,634.55
Lexington True Value	WWTP Supplies	260.21
Lexington Utilities System	Utilities	23,659.29
Lexington, City of	Service Fees	54,857.75
Payroll	Wages	105,496.65
Social Security	Employer Portion / FICA Med	7,833.40
First National Bank	Employer Portion / Pension	3,550.76
First National Bank	Police Pension	1,584.58
ICMA	City Manager Pension	414.23
Linda's Stitches & Creations	ST Supplies	57.40
Linweld	Ambulance Supplies	41.95
Martin Electric	Fire Dept. Supplies	7.90
Matt Parrott and Sons Co.	Office Supplies	236.31
Mead Lumber & Rental-Lexington	ST/Bldg.Insp. Supplies	839.55
Micromarketing, LLC	Lib.CD's	1,502.08
Miller & Associates	Retainer Service	800.00
Misko Sports	Rec.Supplies	73.50
Moore Medical	Ambulance Supplies	23.89
Municipal Supply	WR Supplies	1,709.78
National Wildlife Federation	Subscription	19.95
Naumann, Sondra	Cleaning Service	129.00
Nebraska Dept. of Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Dept. of Health & Human Sv	EL Refund	1,563.95
Nebraska Machinery	ST Supplies	114.73
Nebraska Public Power District	O & M	65,500.00
Nebraska Public Power District	Adams T2 Rpl Swch/NSub 108 Cnv	134,750.17

Nebraska Statewide Arboretum	Membership Dues	100.00
Nebraska Waste Handlers	Sludge Removal	5,402.00
Neopost	Postage	1,500.00
OMB's Express Police Supply	Uniform Expense	37.98
Overton Community Center	Meals On Wheels	100.00
Oxmoor House	Book	39.91
Paulsen, Inc.	Concrete	546.75
Pinnacle Agency, The	Bond Renewal	100.00
Platte Valley Auto Mart	Police Car	23,725.26
Plum Creek Cleaners	Supplies	219.50
Plum Creek Medical Group	Flu Shot	37.00
Roberts Dairy Company	Beverages	146.53
Rourke Publishing Group	Books	89.24
S & W Auto Parts, Inc.	WWTP Supplies	9.11
Security First Bank	Wilkinson Development	22,851.76
Service Master Mid Nebraska	Lib/GGC Cleaning Service	2,950.00
Source Gas, LLC	Gas Service	655.94
Statewide Collections	Collection Fees	146.25
Subway Sandwiches & Salads	Food	78.94
Team Detail & Quicklube	Car Wash/Repair	315.97
Thompson Co., The	Food & Supplies	247.36
Thomsen, Kathleen	Conference	274.73
TierOne-Lib. Petty Cash	Postage/Supplies	48.02
U-Save Business Equipment	WR/Fire/Bldg.Insp. Supplies	42.35
USA Today	Subscription	190.00
Verizon Wireless	Cellphone	51.07
Wal-Mart	Supplies	239.52
Weigl Publishers, Inc.	Books	92.25
Bailey, Troy	EL Rebate	300.00
Blocher, Craig	EL Rebate	1,325.00
Business Card	Conference	409.36
Capstone Press, Inc.	Book	17.99
Card Center/Orscheln	Fire Dept. Supplies	97.92
Cash-Wa Distributing	Food & Supplies	1,621.41
Chapman, Randy	EL Rebate	1,025.00
Copper, Michael	Yard Clean up	240.00
Dan's Sanitation	Sanitation Fees	25,429.45
Dawson Pest Control	GGC Service	35.00
Demco	Lib. Supplies	598.32
Dutton-Lainson Company	EL Supplies	790.95
Electric Fixture & Supply	Supplies	33.51
Electronic Systems, Inc.	GGC Service	35.00
FYR-TEK	Fire Dept. Supplies	307.57
Gnirk Lawn Care, Inc.	Weed Spraying	933.00
Hach Company	Book	276.95
Health Claims Fund	Claims	3,853.91
Jack's Uniforms and Equipment	Patrol Car Equipment	4,746.39
Jim Phillips Const.	Sidewalk/13 <sup>th</sup> -Erie/Replace Fence	4,659.67
Lexington Newspapers	Publications	8.99
Lexington True Value	Fire Dept. Supplies	28.07
Lexington, City of	Franchise/Service Fees	49,524.23
Misko Sports	Rec Supplies	88.15
Money Handling Machines, Inc.	Service Agreement	495.00
Nebr. Public Health Environmental Lab.	WR Testing	956.00
Nebraska Amateur Softball Association	State Tournament Bid Fees	140.00
Nebraska Truck & Equipment Co.	Fire Dept. Service	462.00
Oxmoor House	Book	36.91

Robert's Dairy Company	Beverages	155.68
S & W Auto Parts, Inc.	Fire Dept. Supplies	20.93
Service Master Mid Nebraska	Cleaning Service	78.75
Spence, Mildred	EL Rebate	1,175.00
Sunland Books, Inc.	Books	448.44
T. O. Haas Tire Co., Inc.	Repair	26.00
Thompson Company, The	Food & Supplies	605.38
TierOne-City Petty Cash	Postage/Food/Supplies	22.34
TierOne-Library Petty Cash	Postage	38.65
U-Save Business Equipment	Supplies/UPS Chgs.	355.42
Vargas, Salvador	EL Rebate	1,050.00
Verizon Wireless	Cellphone	67.82
Village Uniform	GGC Supplies	14.20
Wal-Mart	Supplies	217.74
	<b>TOTAL CLAIMS:</b>	<b>764,750.72</b>

**RESOLUTION:**

Theresa Stuart requested approval from Council for the 1888 Subdivision final plat. She explained that this area would be used for residential purposes, separate from their farm holdings. Peplitsch explained that as the area is less than 10 acres, a subdivision is required. Following discussion, Resolution No. 09-27 was read. Moved by Salem, seconded by Tomasek, to approve Resolution No 09-27 as presented. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

**RESOLUTION NO. 09-27  
1888 SUBDIVISION**

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

The plat of 1888 SUBDIVISION, a part of Government Lot Three (3) in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Three (3), Township Nine (9) North, Range Twenty-one West of the Sixth Principal Meridian, 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 November 24, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing to consider the rezoning of 1888 Subdivision from A-1 Agricultural to R-1 Residential. The rezone is necessary due to the size of the subdivision. There being no public comments, the public hearing was closed.

An Ordinance entitled “AN ORDINANCE TO REZONE LOT 1, 1888 SUBDIVISION, FROM A-1, AGRICULTURAL DISTRICT, TO R-1 SINGLE FAMILY RESIDENTIAL; 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. Following discussion, moved by Salem, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2273 was read on final reading. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2273 on final reading. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

**SPECIAL USE PERMIT:**

Mayor Fagot opened a public hearing to consider a special use permit application by Irving Hiatt for Lots 3 and 4, Westminster Woods Subdivision. Per the special use agreement, Hiatt must request a special use permit for any of the lots in the subdivision before any use may be permitted. He explained that the building on Lot 3 would be used as an auction house and the remaining area of Lot 3 and 4 would be used for the construction of storage buildings and cargo container storage. Following discussion, moved by Miller, seconded by Tomasek, to approve the special use permit application by Irving Hiatt for Lots 3 & 4, Westminster Woods Subdivision. Roll call. Voting “aye” were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing to consider the annexation of Price’s Third Addition into the corporate limits. Peplitsch explained the process according the state statutes and noted that Don Price intended to have this addition annexed into the corporate limits. There being no comments, the public hearing was closed.

**RESOLUTION:**

Resolution No. 09-28 was presented for Council consideration. Moved by Tomasek, seconded by Salem, to approve Resolution No. 09-28 as presented. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 09-28  
PRICE’S THIRD ADDITION

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

That PRICE’S THIRD ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED NOVEMBER 24, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

**PUBLIC HEARING:**

Mayor Fagot opened the public hearing to consider the rezoning of Price’s Third Addition from R-1 Residential to R-4 Mobile Home Dwelling. Dana Petersen, Miller & Associates, gave an overview of the plans for the addition, including potential housing unit placement, green space and utility easements. Peplitsch gave an overview of how the mobile home park will

comply with revised city codes. There being no public comments, the public hearing was closed.

**ORDINANCE:**

An Ordinance entitled "AN ORDINANCE TO REZONE BLOCK 1 OF PRICE'S THIRD ADDITION TO THE CITY OF LEXINGTON, FROM R-1 SINGLE FAMILY RESIDENTIAL, TO R-4 MOBILE HOME DWELLING 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 by Tomasek, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "ay" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2274 was read by title on final reading. Moved by Miller, seconded by Salem, to approve Ordinance No. 2274 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Peplitsch reminded Council of the planning session scheduled for Saturday, December 5, and requested topics for discussion. He also gave an update on several paving projects and future bid openings.

Burnside reported on current employee issues.

Tomasek reported that he will not be in attendance at the December 5 Planning Session.

Fagot reminded Council members that appointments to Boards and Commissions will be done in December and would like input on any appointments.

**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.

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Deputy City Clerk