

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 13, 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 John Fagot, Steve Tomasek, Joni Bennett, and John Salem. Linda Miller was absent. City Officials present were City Manager Joe Peplitsch, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy City Clerk Pamela Berke. The press was represented by the Kearney Hub and the Lexington Clipper-Herald. Also in attendance were Dana Daniels and Richard Stacy, Dave Muirhead, and Dydra Zorrero, Fabian Aguirre, and Hugo Aguirre.

**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 9-22-09**

Minutes of the Regular meeting held Tuesday, September 22, 2009, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

**MINUTES – PLANNING  
SESSION 10-3-09**

Minutes of the Planning Session held Saturday, October 3, 2009, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Fagot. Motion carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$2,002,563.76 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$419,952.25 from the General Fund, \$10,000.00 from Economic Development Fund, \$87,204.96 from TIF Fund, \$8,209.17 from ED Reuse Fund, \$1,391,863.84 from LEXUS, \$10,000.00 from Sanitation, \$8,476.39 from Landfill, \$24,380.18 from Ambulance Fund, \$36,964.53 from Health Fund, and \$5,512.44 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
October 13, 2009**

Alamar Uniform Company	Uniform Expense	332.90
All Points Cooperative	Weed Killer/Fuel/Supplies	3,082.26
Alltel	Cellphones	125.57
Associated Pool Builders, Inc.	Service	3,525.00

Audio Editions	Books	16.00
Axis Capital	Mail Machine Payment	527.37
Berke, David	Mowing/Yard Service	155.00
Bob's Auto Repair & Service	Repair	178.03
Brecks, Bill	Mowing Service	100.00
Buxton	Retail Study	10,000.00
Card Center/Orscheln	Supplies	98.54
Case Credit Advantage	Equipment Repair/Oil	1,424.23
Cash-Wa Distributing	Food/Supplies	1,863.87
Central Garage Fund	Repairs/Service/Fuel	10,096.01
Certified Laboratories	Central Garage Supplies	216.75
Coca-Cola/Dr. Pepper Bottling of Kearney	Beverages	60.00
Copper, Michael	Yard Clean-up	240.00
Culligan Water Conditioning Company	Soft Water Supplies	192.95
Dan's Sanitation	Sanitation Fees	11,085.75
Davis Energy, Inc.	Fuel/Oil	7,649.52
Dawson Area Development	Dues/Monroe ST/Opp Center	19,558.07
Dawson Pest Control	GGC Service	35.00
Dawson Public Power	Power Purchase	414.81
DeBruce Grain	Scrap Tire Service	55.00
Demars Gordon Olson & Zalewski	Professional Service	13,667.03
Diamond Vogel Paint	ST/PK Supplies	1,157.36
Eakes Office Plus	Library Supplies	442.69
Eilers Machine & Welding	Fire Dept. Supplies	549.38
Electric Fixture	EL/ST/WR/GGC Supplies	452.12
EMS Billing Services, Inc.	Ambulance Service	1,660.24
Fagot Refrigeration & Electric, Inc.	Service/Repair	1,281.65
Farmer Brothers Coffee	Food/Supplies	166.27
Fastenal	WWTP Supplies	42.91
Fed Ex	Shipping Charges	16.19
Fisher Scientific	WWTP Supplies	822.18
Follett Software Co.	Library Supplies	87.52
Frederick, Michael	Books	44.00
FYR-TEK	Fire Dept. Supplies	53.54
Gale Group, The	Books	299.00
Gould, Stanley E.	Soccer Field Stadium Improv.	4,820.00
Great Plains One-Call Service	Locates	68.97
Guideposts	Book	20.95
HD Supply Waterworks	WR Supplies	333.71
Health Claims Fund	Claims	33,498.26
Holbein, Dahlas D.	Lawn Care	680.00
Holiday Inn Express Ogallala	Conference	140.00
Homestead Bank	NW Improv. Pmt.	52,199.46
Hometown Leasing	Copier Pmts.	561.94
Ingram Library Services	Books	851.74
Jim Phillips Const.	Concrete Repair-GGC	7,266.00
Jones Plumbing & Heating	WR/WWTP/Supplies/Repair	198.85
KRVN - FM	Service Announcements	204.00
Laurie Carlson & Associates	Central Garage Supplies	214.85
League of Nebraska Municipalities	Association Dues	472.00
Lerner Publishing Group	Books	124.53
Lexington Animal Clinic	Animal Care	1,013.80
Lexington Area Solid Waste Agency	Landfill	1,134.89
Lexington Family Eyecare	Safety Glasses	307.00
Lexington Health Fund	Self-funding	32,735.51
Lexington Newspapers, Inc.	Publications	1,167.58
Lexington Postmaster	Postage	150.00

Lexington True Value	Cem./Fire/WR/ST Supplies	1,238.88
Lexington Volunteer Fire Dept.	Ambulance Fees	3,911.29
Lexington, City of	Franchise Fees	115.96
Lexington, City of	NW Paving Payback	52,199.46
Payroll	Wages	99,847.37
Social Security	Employer Portion / FICA Med	7,400.84
First National Bank	Employer Portion / Pension	3,214.11
First National Bank	Police Pension	1,518.60
ICMA	City Manager Pension	414.23
Lien, Inc.	Trees-GGC	2,954.00
Linweld	Ambulance Supplies	100.00
Loudon's of Lexington	Boots	149.45
Madeline's Café	Food	16.95
Mast's Fire Extinguisher Sales	Service	265.95
McCookNet Internet Service	Service/WWTP Repair	139.00
Mead Lumber & Rental-Lexington	PK/WR/ST Supplies	284.70
Meritain Health	Premium	21,890.16
Mid-State Engineering & Testing	Monroe ST Improv.	1,537.00
Mid-State Units	Rental	615.00
Midwest Laboratories, Inc.	WWTP Supplies	120.20
Milco Environmental Services, Inc.	Water Analysis/Disposal Site	8,476.39
Miller & Associates	Monroe/Airport/Cemetery/Stadium	41,609.64
Misko Sporting Goods	Rec Supplies	618.80
Morris Press	GGC Supplies	73.00
Mr. Automotive	Police/Central Garage Supplies	96.56
Naumann, Sondra	Cleaning Service	210.00
Nebraska Code Officials Association	Conference	250.00
Nebraska Dept. of Economic Development	Mid Plains/Orthman's CDBG Pmts	8,209.17
Nebraska Library Commission	Books	7.42
Nebraska Life	Subscription	21.00
Nebraska Public Power District	O&M	65,500.00
Nebraska Public Power District	Power Purchase	934,103.09
Nebraska Salt & Grain Co.	Ice Control Salt	2,539.89
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,307.13
Nebraska Waste Handlers	Sludge Removal	6,132.00
Nelson, Ben	1/2 of Boots	49.99
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Overton Sand & Gravel	Salt Gravel	1,184.60
Paulsen, Inc.	ST/Supplies/LO Concrete	673.49
Pinnacle Bank	Ambulance Pmt.	18,352.45
Platte Valley Auto Mart	Central Garage Supplies	2.50
Platte Valley Communications	Service/Repair/Radios	1,989.96
Plum Creek Laser Wash	Car Wash	7.00
Plum Creek Market Place	Food	28.19
Plum Creek Motors	Supplies/Service	38.74
Precision Industries	WWTP Supplies	258.17
Principal	Premium	1,391.68
Reader's Digest	Subscription	15.00
Roberts Dairy Company	Beverages	550.62
Rodale	Books	79.88
S & W Auto Parts, Inc.	WWTP/Central Garage Supplies	580.05
Service Master Mid Nebraska	Cleaning Service	444.12
Sign Pro	Fire Dept. Supplies	936.00
Snell Services, Inc.	Library Service/Repair	8,278.32
Source Gas, LLC	Gas Service	4,643.27
T. O. Haas Tire Co., Inc.	Repair/Tire	84.95

Team Detail & Quicklube	Car Washes	65.97
Terry's Tree Service	Yard Clean-ups	1,445.00
Thompson Co., The	Food & Supplies	2,235.08
TierOne-Lib. Petty Cash	Postage/Books	103.37
Total Lawn Care	Lawn Care	3,366.00
Tri-City Tribune	Publications/Subscription	461.50
Tri-County Hospital	Wellness/Ambulance Supplies	317.00
U-Save Business Equipment	ST/WR/Lib./Bldg.Inspec. Supplies	494.78
USA Bluebook	WR Supplies	141.16
Village Uniform	Library Supplies	14.20
Wal-Mart	Supplies	765.10
Ward Laboratories	Lab Tests	26.00
Alltel	Cellphone Service	52.31
Card Center/Orscheln	WWTP Supplies	139.37
Community Redevelopment Authority	Land Purchase	35,005.50
Conney Safety Products	ST Supplies	233.09
Davis Energy, Inc.	Fuel	567.50
Dawson Area Development	Planning Fees-Opportunity Center	3,070.00
Dawson Public Power	Power Purchase	7,222.65
Depository Trust Co.	2004 GO/2008 Combined UTL	278,458.75
Dutton-Lainson Company	Poles	7,072.93
Eilers Machine & Welding	WWTP Supplies	291.74
Fagot Refrigeration & Electric	Repair	94.98
Fed Ex	Shipping	41.46
Gale Group, The	Books	71.23
Health Claims Fund	Claims	1,745.93
Heartland Clerks Association	Membership Dues	10.00
Ingram Library Services	Books	73.44
Landa, Luis	Boots	29.15
Lexington Area Chamber of Commerce	Membership Dues	4,254.00
Lexington Newspapers	Publication	7.77
Lexington True Value	WWTP Supplies	45.96
Lexington, City of	Service Fees	47,693.54
Lundeen-Isaacson, Inc.	Premium	11,988.00
McDonald's	Food	40.50
Mid Nebraska Trust Account	Land Purchase Deposit	500.00
Moore Wallace	Police Supplies	574.20
Municipal Supply	SW Supplies-Legend Oaks Project	1,365.68
Neben, Wade	Electric Rebate	2,525.00
Nebraska Dept. of Revenue	Sales & Use Tax	42,313.23
Platte Valley Auto Mart	Repair	251.28
Platte Valley Communications	Phone	32.10
Post, Doran G.	Electric Rebate	2,525.00
TASC	Reimbursement	328.66
TierOne-City Petty Cash	Postage/Food/Conference	26.90
TierOne-Lib. Petty Cash	Postage	4.88
U. S. Department of Agriculture	Service Agreement	4,709.00
Wal-Mart	Supplies	97.90
Weaver, Magda	Electric Rebate	1,050.00
	<b>TOTAL CLAIMS:</b>	<b>2,002,563.76</b>

**ORDINANCE:**

An Ordinance entitled "AN ORDINANCE TO VACATE THAT PORTION OF SOUTH LINCOLN STREET LYING BETWEEN WEST MAPLE STREET AND WEST WALNUT STREET; TO PROVIDE FOR

REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read by title on second reading. Peplitsch gave an update of the Lexington Public Schools’ intentions to use South Lincoln Street near Morton Elementary School and noted the city will need to keep an easement for utility lines. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of ordinances on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2269 was read by title. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2269 on final reading. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Fagot. Motion carried.

**LIQUOR LICENSE:**

Mayor Fagot opened a public hearing to consider a liquor license application by Aguirre Inc. dba Los Agaves. Dydra Zorrero, a representative of the business, requested Council approval of a Class “I D” liquor license application for the business located at 405 East Pacific, Lexington, NE. She explained that she, her husband and her father-in-law have signed a lease with the owner of the building and plan to open a bar with food items to be added in the future. Peplitsch reported that no adverse comments have been received on the application. The public hearing was closed. Following discussion, moved by Tomasek, seconded by Salem, to recommend approval of the application as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Fagot. Motion carried.

**ANNEXATION:**

Mayor Fagot opened a public hearing to consider the annexation of Northwest Third Addition. Peplitsch noted that this addition is a replat of two subdivisions and an additional 6 acre tract. The 6 acre portion had not been previously included in the corporate limits. There being no further comments, the public hearing was closed. Resolution No. 09-24 was read. Following discussion, moved by Salem, seconded by Bennett to approve Resolution No. 09-24. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Fagot. Motion carried.

**RESOLUTION NO. 09-24  
NORTHWEST THIRD ADDITION**

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

That NORTHWEST 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 OCTOBER 13, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

**REZONING APPLICATION:** Mayor Fagot opened a public hearing to consider a zoning request for Northwest Third Addition. Peplitsch explained the areas and their intended use. There being no other comments, the public hearing was closed. An ordinance entitled "AN ORDINANCE TO REZONE BLOCK 1-7, NORTHWEST THIRD ADDITION, TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; TO REZONE BLOCK 8, NORTHWEST THIRD ADDITION TO R-3, MULTI-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 Tomasek, to approve Ordinance on first reading. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Fagot. Motion carried.

**SUBDIVISION:** Dave Muirhead, Dawson County Ag Society, requested council approval of a final subdivision plat titled "Dawson County Ag Society Subdivision" and explained the intended use for property formerly owned by Dawson Public Power District, north of the fairgrounds. Following discussion, Resolution No. 09-25 was read. Moved by Tomasek, seconded by Bennett, to approve Resolution No. 09-25. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 09-25  
DAWSON COUNTY AG SOCIETY SUBDIVISION

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

The plat of DAWSON COUNTY AG SOCIETY SUBDIVISION, in 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 13<sup>th</sup> day of October, 2009.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**ELECTRIC PROJECTS:** Peplitsch presented two electric system capital projects for Council approval. The two projects involve reconstruction of 34.5 and 13.8 kV power lines in the East Walnut Substation area, and are included in the five year capital plan. He noted that once these projects are complete, the East Lexington Substation will be able to serve the entire electric demand of the city. Following discussion, moved by Salem, seconded by Tomasek, to authorize the projects as presented. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Fagot. Motion carried.

**MUNICIPAL BUILDING:** Richard Stacy, Miller and Associates, presented plans and specifications for the Municipal Building Remodel project. He explained the floor plan, phasing, and materials for the project. Following discussion, moved by Salem, seconded by Bennett, to approve the plans and specifications for the

project and authorize the City Manager to solicit bids. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried.

**SOCCER BUILDING:** Peplitsch presented plans and specifications for the Soccer Field Building project. Following discussion, moved by Tomasek, seconded by Salem, to approve the plans and specifications for the project and authorize the City Manager to solicit bids. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Fagot. Motion carried.

**17<sup>th</sup> STREET IMP:** Dana Daniels presented plans and specifications of the 17<sup>th</sup> Street Improvements project. He noted the bid will include alternates for concrete and asphalt. Following discussion, moved by Bennett, seconded by Salem, to approve the plans and specifications for the project and authorize the City Manager to solicit bids. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Fagot. Motion carried.

**PAY REQUEST:** Daniels presented Pay Request #1 from Paulsen Inc. for the Dawson County Opportunity Center Phase 1 in the amount of \$23,679.00 and gave an update on the project. Following discussion, moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**PAY REQUEST:** Daniels presented Pay Request #1 from Paulsen Inc. for the Legend Oaks Infrastructure Improvements project in the amount of \$104,607.35. Following discussion, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Fagot. Motion carried.

**MEETING DATE:** Due to the absence of several members of the Council at the November 10, 2009, meeting, moved by Tomasek, seconded by Bennett, to schedule the first regular meeting in November to November 9, 2009, 5:30 p.m. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch gave a reminder of a FEMA public meeting on Wednesday, October 14, 2009 at 10 a.m. at the Courthouse, for preliminary flood plain remapping discussion. He also reported on several future agenda items including agreements pertaining to the Northwest Third Addition. He noted that work on an industrial spec building will begin soon. He noted that a community visit by DED for the Downtown Revitalization grant application will be held at the Public Library on October 19, at 10:30 a.m.

**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.



*Patricia Burke*  
Deputy City Clerk