

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 23, 2010, 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, and Linda Miller. John Salem was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, Building Inspector Bill Brecks and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald. Also in attendance were Linda Erickson, Contryman Associates; Deb Jensen, DAD; Derek Mitchell, Leo Marin and Juan Rodriguez.

**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 3-9-10**

Minutes of the Regular meeting held Tuesday, March 9, 2010, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$527,065.84 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 \$209,058.62 from the General Fund, \$213,131.14 from LEXUS, \$26,988.92 from Sanitation, \$728.76 from Ambulance Fund, \$72,802.02 from Health Fund, and \$4,356.38 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
March 23, 2010**

Alamar Uniform Co.	Uniform Expense	66.68
American Casting & Manufacturing Corp.	EL Padlock Seals	1,528.25
American Red Cross-Ft. Kearney Chapter	Lifeguarding Classes	500.00
Anderson Graphics	Lib Supplies	106.00
ASK Supply Co.	ST Supplies	167.50
Baker & Taylor	Books	57.76
Bert Gurney & Associates, Inc.	WWTP Supplies	76.05
Better Homes and Gardens	Book	18.43
Bob's Auto Repair & Service	Vehicle Repair	90.00
Business Card	Conference / Fuel	1,060.59
Business Office Systems, Inc.	Lib Supplies	29.57

Camp Comeca	Pool Fees	60.00
Card Center/Orscheln	WWTP / ST / WR Supplies	100.92
Case Credit Advantage	WWTP Supplies	25.96
Cash-Wa Distributing	Food & Supplies	586.89
Central Community College	Glucose Classes	483.00
Conney Safety Products	ST Supplies	290.21
Cummins Central Power, LLC	WWTP Service	584.03
Davis Energy, Inc.	Propane	73.50
Dawson County Clerk	Dispatch Fees	24,329.70
Dawson Public Power	Power Purchase	7,112.60
Deco Engineering Products, Inc.	WWTP Supplies	483.73
DWA Partners, LLC	Secure Our Schools Website	3,750.00
Electric Fixture & Supply	Lib Supplies	9.12
Endress + Hauser, Inc.	WWTP Supplies	237.61
F C & A	Book	35.95
Follett Software Co.	Lib Supplies	147.85
FYR-TEK	Fire Dept Supplies/Uniform Exp	2,594.67
Gale Group, The	Books	128.91
Galls	Uniform Expense	127.87
Great Plains Government Finance Office	Conference	100.00
Haas Garage Door Co.	WWTP Supplies	780.08
HD Supply Waterworks	WR / EL Supplies	500.17
Health Claims Fund	Claims	40,205.80
Holbein, Dahlas D.	Maint & Cleaning	1,000.00
Ingram Library Services	Books	245.67
Jim Phillips Const.	Manhole Repair	1,687.00
League of Nebraska Municipalities	WR Operator's Workshop	140.00
Lexington Health Fund	Self-Funding	31,231.87
Lexington Newspapers, Inc.	Publications	427.50
Lexington, City of	Service Fees	54,857.75
Linda's Stitches & Creations	Police Supplies	31.50
Maysteel LLC	EL Supplies	515.00
Mead Lumber & Rental-Lexington	Cem / WWTP / WR Supplies	538.83
Mellen & Associates, Inc.	Secondary Digester Supplies	2,379.11
Mid-State Units	Rental	80.00
National Fire Protection Association	Membership Dues	150.00
NE Public Health Environmental Lab.	WR Testing	464.00
Nebraska Library Commission	Subscription	205.00
Nebraska Recreation & Park Association	Conference	175.00
Neopost	Postage	1,500.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Road Gravel / Concrete	724.24
Plum Creek Promotions	Shirts	244.16
Price's Tree Service	Tree Removal	450.00
QA Balance Services	WWTP Service	95.00
Rasmussen Mechanical Service, Inc.	Lib Service	1,123.50
Roberts Dairy Company	Food & Beverages	203.63
Rodale	Book	37.94
S & W Auto Parts	WWTP Supplies	29.98
Salem, John	Conference	185.00
Service Master Mid Nebraska	GGC/Lib/Muni Bldg Cleaning Svc	4,847.56
Subway Sandwiches & Salads	Food	36.89
T. O. Haas Tire Co., Inc.	Tire Repair	104.39
Team Detail & Quicklube	Car Wash / Uniform Expense	49.99
Thompson Co., The	Food & Supplies	592.92
TierOne-Lib. Petty Cash	Postage / Food	121.00
U-Save Business Equipment	UPS / Postage / Supplies	130.68

W. P. C. I.	Police Update	75.00
Wal-Mart	Supplies	596.16
American Library Association	Lib Supplies	36.45
Barmore Drug Store, Inc.	Lib Supplies	134.00
Business Card	Conference / EL Supplies	204.10
Cash-Wa Distributing	Food & Supplies	471.90
Coca-Cola/Dr. Pepper Bottling of Kearney	Beverages	90.00
D & R Computing	ST Supplies	52.99
Dan's Sanitation	Sanitation Fees	26,988.92
Davis Energy, Inc.	Fuel	5,028.72
Downey Drilling, Inc.	GEO Thermal-DCOC	2,212.00
Ed Roehr Safety Products	Police Equipment	446.17
HD Supply Waterworks	Meters / Registers	13,931.85
Health Claims Fund	Claims	32,332.07
Lakeside Country Club	Membership Dues	922.00
Lexington Health Fund	Self-Funding	31,231.87
Lexington Newspapers, Inc.	Publications	45.39
Lexington, City of	Franchise	58,148.56
Payroll	Wages	100,021.10
Social Security	Employer Portion / FICA Med	7,343.16
First National Bank	Employer Portion / Pension	3,101.35
First National Bank	Police Pension	1,704.56
ICMA	City Manager Pension	414.23
Lexington Utilities System	Utilities	31,316.75
Linda's Stitches & Creations	Bldg Insp Shirts	190.84
Mead Lumber & Rental-Lexington	Municipal Bldg Supplies	109.99
Mid-Nebraska Food Bank	Food & Supplies	55.05
Miller & Associates	WR / Retainer Service	947.26
Nebraska National Bank	Copier Payments	1,195.44
Plum Creek Market Place	Food & Supplies	21.47
RDG Planning & Design	Downtown Revitalization	9,000.00
Roberts Dairy Company	Beverages	211.86
RTC	WWTP Service	563.90
Service Master Mid Nebraska	GGC Service	78.75
Sport Supply Group, Inc.	PK Supplies	86.95
TASC	Fees	189.15
Thompson Co., The	Food & Supplies	706.69
TierOne-City Petty Cash	Food / Postage / Supplies	78.64
TierOne-Lib Petty Cash	Postage	24.73
Tyler Technologies	License Fees / Training	5,200.00
U-Save Business Equipment	Supplies	175.10
Verizon Wireless	Cell phone Service	131.02
Village Uniform	GGC Supplies	86.69
Wal-Mart	Supplies	8.50
	<b>TOTAL CLAIMS:</b>	<b>527,065.84</b>

**AUDIT REPORT:**

Linda Erickson, Contryman Associates, presented the Fiscal Year 2009 Audit Report to Council. Following discussion, moved by Tomasek, seconded by Miller, to accept the report as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider an application to Nebraska Department of Economic Development for a Nebraska Affordable Housing Program grant. Deb Jensen, DAD, gave an overview of the grant application. A total of \$500,000 in funds would be used for infrastructure

construction, homebuyer assistance, and development subsidies. After discussion, the public hearing was closed.

Resolution No. 2010-08 was presented. Moved by Miller, seconded by Bennett, to approve the resolution presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

#### RESOLUTION # 2010-08

#### A RESOLUTION TO AUTHORIZE THE COUNCIL PRESIDENT AND CITY MANAGER OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM 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, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

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 which for an amount of \$500,000 for the New Neighborhood Initiative; 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 23rd day of March, 2010.

John Fagot, Council President

Joe Peplitsch, City Manager

#### **LIQUOR LICENSE:**

Derek Mitchell, representing Rodriguez Restaurant, Inc., requested approval of an application for an addition to the existing liquor license currently held by Rodriguez Restaurant Inc. dba Premier Night Club, 501 Plum Creek Parkway, to occupy the entire building. Mr. Mitchell reported that the owners were under the impression that the existing license covers the entire building, and that previously application was submitted and approved. As the City has no documentation to support their claim, it was unclear as to the intent of the applicant. Following discussion, moved by Tomasek, seconded by Bennett, to table the issue to the April 13, 2010, council meeting to give Rodriguez Restaurant Inc. an opportunity to produce supporting documentation for their application. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot. Motion carried.

#### **PROJECT BIDS:**

Peplitsch presented a tabulation of bids received for the Dawson County Opportunity Center Phase 2 project; the apparent low bid by EAD Constructors Inc. He reported that the bids were over budget for the project and reviewed potential options to delay portions of the project. Following discussion, moved by Miller, seconded by Tomasek, to reject the bids,

authorize the City Manager to negotiate a contract with EAD Constructors Inc. at or below the original cost estimate for the project, and the execution of contract documents. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

**RIGHT-OF-WAY**

Resolution No. 2010-09 was presented. Pepplicht explained that NDOR will need to acquire minimal right-of-way and temporary easements from the City at the intersection of 5<sup>th</sup> and Grant Streets as part of their Ash to Jefferson Street Improvement project. Following discussion, moved by Bennett, seconded by Tomasek, to approve Resolution No. 2010-09 as presented. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Fagot. Motion carried.

**RESOLUTION NO. 2010-09**

WHEREAS, the State of Nebraska Department of Roads in Project No. 283-2(102) will acquire for the sum of \$3,215.00, for State Highway Right-of-way the following described real estate owned by the City, to-wit:

See Attached Description

BE IT THEREFORE RESOLVED by the Council of the City of Lexington, Nebraska, that John Fagot as President of the Council is hereby directed and authorized on behalf of the City of Lexington, Nebraska, to execute a deed conveying the above described property to the State of Nebraska Department of Roads.

PASSED AND APPROVED March 23, 2010.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Joe Pepplicht, City Clerk

**FINANCIAL REPORT:**

Pepplicht presented the Financial Report for February 2010. Following discussion, moved by Miller, seconded by Bennett, to accept the February 2010 Financial report as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplicht gave project updates. He also stated that he would email possible dates for a planning session to Council and Staff.

Burnside gave an update on 2010 US Census.

Bennett expressed her appreciation for a recent article on graffiti in the local newspaper and thanked the Building Inspection department for their hard work on the issue.

**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

