

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 14, 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 John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, 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 Kearney Hub and Lexington Clipper-Herald. Dana Daniels, Miller & Associates, was also in attendance.

**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 8-24-10** Minutes of the Regular meeting held Tuesday, August 24, 2010, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**MINUTES – PLANNING SESSION 8-28-10** Minutes of the Planning Session held Saturday, August 28, 2010, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,903,180.97 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 \$280,521.45 from the General Fund, \$9,320.43 from TIF, \$104,166.67 from ED Reuse, \$1,441,482.49 from LEXUS, \$10,000.00 from Sanitation, \$1,425.50 from Landfill, \$32,658.04 from Ambulance Fund, \$17,358.70 from Health Fund, and \$6,247.69 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
September 14, 2010**

All Points Cooperative	Fuel	210.82
American Red Cross	Lifeguard / Swim Lessons	790.00
Annie's Attic Books	Book	18.94
Associated Supply Company, Inc.	Aquatic Center Supplies/Chlorine	3,491.61
B&D Office City	Police Supplies	62.44
Baker & Taylor	Books	21.11

Bamford, Inc.	Fire Bldg. Repair	115.00
Barco Municipal Products	PK / ST / Cem Supplies	1,358.68
Barmore Drug Store, Inc.	Lib / GGC / Ambulance Supplies	99.97
Beringer Ciaccio Dennell Mabrey	D. C. Opportunity Center-Phase II	5,411.75
Berke, David	Yard Clean-up	415.00
Better Homes and Gardens	Book	33.91
Bob's Auto Repair & Service	Central Garage Supplies	215.00
Business Telecommunication Systems, Inc.	Phone Repair	304.82
Card Center/Orscheln	WR / ST / WWTP Supplies	649.18
Case Credit Advantage	WWTP / Central Garage Supplies	887.62
Cash-Wa Distributing	Food & Supplies	3,807.47
Central Garage Fund	Fuel / Service / Repair	19,785.82
Community Redevelopment Authority	TIF-Wilkinson Development Pmt.	9,320.43
Conney Safety Products	PK / ST / Cem Supplies	503.50
Culligan Water Conditioning Co.	Soft Water Supplies	174.40
Dan's Sanitation	Sanitation Fees	13,520.00
Davis Energy, Inc.	Fuel / Propane / Supplies	5,139.70
Dawson County Handibus	Transportation	22.00
Dawson County Register of Deeds	Fees	37.00
Dawson Pest Control	GGC Service	35.00
Dawson Public Power District	Power Purchase	4,191.82
Demco	Lib Supplies	152.65
Depository Trust Co.	2004 Combined UTL Bond Pmt.	128,172.50
Dominguez, Juan	Boots	21.33
Dutton-Lainson Company	EL / WR Supplies	842.81
Eakes Office Plus	ST / Lib Supplies	499.35
Eilers Machine & Welding	WWTP / Central Garage Supplies	71.20
Electric Fixture & Supply	Misc. Project Supplies	14,141.87
EMS Billing Services, Inc	Ambulance Service	1,203.44
Eustis Body Shop	Tow Charges	500.00
Evans, Jesse	Travel Expense	180.00
Fagot Refrigeration & Electric, Inc.	Fire/GGC/AC/Service & Repair	546.14
Farm Plan / Landmark Implement, Inc.	Central Garage Supplies	7,754.03
Farmer Brothers Coffee	Food	300.95
Fastenal	WR Supplies	312.07
Felsburg Holt & Ullevig	Professional Service	321.42
Flowers of Joy	ST Supplies	42.00
Fox Bros. Hay Co., Inc.	Grinding Service	4,810.45
FYR-TEK, Inc.	Repair	281.00
Gale Group, The	Books	310.28
Galls	Uniform Expense	113.36
Garden, Lawn & Landscaping	Yard Clean-up	150.00
Good Housekeeping	Subscription	15.97
Great Plains One-Call Service	Locates	98.26
Guideposts	Books	17.74
Halker, Nelson	EL Rebate	1,175.00
HD Supply Waterworks	Meters / Supplies	5,512.84
Health Claims Fund	Claims	11,579.30
Holbein, Dahlas D.	Lawn Service	515.00
Holmes Plbg & Htg Supply Co.	SW Supplies	905.12
In The Swim	Aquatic Center Supplies	69.95
Ingram Library Services	Books	451.99
Intellicom	Municipal Bldg Phone System	5,755.83
Jones Plumbing & Heating	WR / WWTP Supplies & Repair	1,169.06
K. R. V. N. - FM	Advertising	367.20
Kerr, Wayne	EL Rebate	900.00
Lexington Animal Clinic	Animal Care	724.48

Lexington Family Eyecare	Safety Glasses	576.00
Lexington Glass Co.	Repair	201.50
Lexington Health Fund	Self-Funding	32,046.37
Lexington Newspapers, Inc.	Publications	1,033.23
Lexington Postmaster	Postage	150.00
Lexington Public Schools	Liquor & Tobacco License Refund	6,480.00
Lexington Recreation Program	Volleyball / Soccer Instruction	7,000.00
Lexington, City of	Annual Service Fees	17,981.16
Lexington, City of	Opportunity Center Loan	100,000.00
Lexington, City of	Franchise Fees	95.80
Payroll	Wages	103,601.33
Social Security	Employer Portion / FICA Med	7,604.73
First National Bank	Employer Portion / Pension	3,500.15
First National Bank	Police Pension	1,566.14
ICMA	City Manager Pension	423.46
Lincoln Winwater Works	WR Supplies	320.94
Linden's Plumbing	SW Repair	270.00
Linen Supply	Supplies	120.42
Linweld Ambulance	Supplies	113.95
Mac's Short Stop	Food	50.42
Martin Electric	Fire Supplies	74.64
Mast's Fire Extinguisher Sales	Fire Service	74.40
McCookNet Internet Service	Service / Repair / Equipment	720.90
Mead Lumber & Rental-Lexington	WWTP / ST / PK Supplies	360.06
Meritain Health	Premium	23,105.13
Miller & Associates	Service	481.60
Moore Medical	Ambulance Supplies	100.47
Morris Press	GGC Supplies	73.00
Municipal Supply, Inc.	WR Supplies	6,905.31
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Dept. of Revenue	Waste Reduction & Recycle Fee	25.00
Nebraska Environmental Products	Central Garage Supplies	100.10
NE Law Enforcement Training Center	Police Officer Training Fee	80.00
Nebraska Machinery	Central Garage Repair	1,543.25
Nebraska National Bank	Copier Pmts	1,195.44
Nebraska Public Power District	Power Purchase	1,083,691.16
Nebraska Public Power District	O & M	65,500.00
Nebraska Tech & Telephone, Inc.	Telephone Expense	1,311.84
Nebraska Waste Handlers	Sludge Removal	5,840.00
Nebraskaland Magazine	Subscription	18.00
North Platte Telegraph, The	Subscription	146.00
Overton Sand & Gravel	Gravel	1,821.25
Paulsen, Inc.	Concrete / Gravel	2,115.24
Physio-Control, Inc.	Defibrillator & Supplies	12,803.35
Platte Valley Auto Mart	Police Repair	299.26
Platte Valley Communication of Kearney	Repair / Maintenance	2,532.86
Plum Creek Cleaners	ST/GGC/Rec/WWTP/Muni Bldg Spls	684.50
Plum Creek Market Place	Food	101.31
Plum Creek Motors	PK Truck	16,396.00
Presto-X	Lib Service	88.00
Principal	Dental Premium	1,692.14
Randy's Body Shop	Towing Expense	1,000.00
Resource Management Co., Inc.	Pick Up Tires	553.35
Roberts Dairy Company	Beverages / Food	616.38
S & W Auto Parts, Inc.	Central Garage/Fire/ST Supplies	1,579.52
Service Master Mid Nebraska	Cleaning Service	202.87
Sport Supply Group	Soccer Nets / Fence Poles	1,363.46

Source Gas, LLC	Gas Service	3,314.51
Statewide Collections LLC	Collection Fees	418.42
T. L. Sund Constructors, Inc.	Soccer Field Concession Facility	17,674.45
T. O. Haas Tire Co., Inc.	Tires / Repair	866.04
Team Detail & Quicklube	Uniform Expense / Car Washes	203.98
Thomas Bouregy & Company, Inc.	Books	139.50
Thompson Co., The	Food & Supplies	977.84
Total Lawn Care	Lawn Service	3,595.00
Tri-City Tribune	Publications	480.00
Tri-County Hospital	Wellness / Ambulance Supplies	455.00
U-Save Business Equipment	WWTP/Lib/Police/GGC/ST Spls	454.25
Upstart	Lib Supplies	31.90
Village Uniform	GGC Supplies	28.40
Wal-Mart	Supplies	259.20
Ward Laboratories	WR Testing	26.00
Wilke-Donovan True Value	Central Garage Supplies	26.00
Zimmerman, Elizabeth	EL Rebate	1,175.00
AFLAC	Premium	1,114.18
Anderson Graphics	Lib Supplies	62.40
ASK Supply Co.	ST Supplies	67.38
Baker & Taylor	Book	17.05
Cash-Wa Distributing	Food & Supplies	669.65
Conney Safety Products	ST Supplies	104.85
Davis Energy, Inc.	WWTP Supplies	73.57
Dawson County Handibus	Transportation	34.00
Electric Fixture	EL Supplies	188.99
Electric Pump	WWTP Blowers	15,654.76
Eustis Body Shop	Towing Expense	100.00
Fastenal	WWTP Supplies	57.13
G & V Inc.	Haul off Tree Grindings	1,350.00
Gempler's	Central Garage Supplies	120.70
Guideposts	Book	20.95
H2O Technical Services, Inc.	WWTP Supplies	1,799.76
HD Supply Waterworks	WR Supplies	713.92
Health Claims Fund	Claims	2,973.08
Johnson Service Company	SW Service	686.80
Lexington Newspapers	Publications	126.87
Longleaf Services, Inc.	Book	20.21
Mead Lumber & Rental-Lexington	WWTP Supplies	71.83
Mid-State Units	Rental	492.00
Midwest Laboratories	Landfill / WWTP Testing	2,941.10
Naumann, Sondra	Cleaning Service	193.00
Nebraska Department of Revenue	Sales & Use Tax	54,840.04
OCLC, Inc.	Subscription	22.51
Plum Creek Market	Food & Supplies	31.26
Plum Creek Promotions	Soccer T-Shirts	3,657.68
Thompson Co., The	Food & Supplies	322.76
U-Save Business Equipment	ST Supplies	72.53
USA Bluebook	Hydrant Relief Valves	992.50
Wal-Mart	Supplies	119.82
Ward Laboratories	WR Testing	52.00
Wilson Bohannon Padlock Co., The	PK / ST Supplies	184.56
	<b>TOTAL CLAIMS:</b>	<b>1,903,180.97</b>

**GARCIA SUBDIVISION AGMT:** Peplitsch reviewed a revised agreement for the Garcia Subdivision and noted that the owners have approved the agreement. Moved by Miller,

seconded by Tomasek, to authorize execution of the Garcia Subdivision Agreement as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #7 from Paulsen Inc. for the Municipal Building Renovation project in the amount of \$141,729.66. Following a project update, moved by Salem, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #4 from Simon Contractors for the Dawson County Opportunity Center Phase 2 project in the amount of \$324,657.00. Following a project update, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**WASTE PLAN:** Peplitsch reviewed a waste management plan associated with the Energy Efficiency and Conversation Block Grant Award #09/10-E089. He explained that the city is required to have a plan for waste disposal as part of the Opportunity Center roof renovation project under grant conditions. Following discussion, moved by Salem, seconded by Miller, to approve the Waste Management Plan for EECBG #09/10-E089 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**BUDGET HEARING:** Mayor Fagot opened a public hearing to discuss the proposed 2010-2011 fiscal year budget. Peplitsch reviewed the proposed budget. Following discussion, the public hearing was closed.

**RESTRICTED FUNDS:** Peplitsch recommended the Council increase the base of restricted funds authority by an additional 1%. Following discussion, moved by Tomasek, seconded by Bennett, to increase the base of restricted funds by an additional 1% for FY 2011. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**RESOLUTION:** Mayor Fagot opened a public hearing to discuss setting the FY 2011 final tax request at a different amount than the prior year request. Following discussion, the public hearing was closed. Resolution No. 2010-22 was read before Council. Moved by Miller, seconded by Tomasek, to approve Resolution No. 2010-22 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

#### **RESOLUTION NO. 2010-22**

**A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2010-2011 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the city of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the city of Lexington by a majority vote resolves that:

1. The 2010-2011 property tax request is set at \$836,396.14.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2010.

PASSED AND APPROVED this 14th day of September 2010.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2010-2011. 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 suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2285 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2285 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**ACCOUNTS RECEIVABLE:**

Pepplitsch requested authorization to remove balances for accounts deemed uncollectible. Following discussion, moved by Miller, seconded by Bennett, to authorize the City Manager to remove balances for the accounts deemed uncollectible as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**CHANGE ORDER:**

Dana Daniels reviewed Change Order #2 for the Improvement District 09-02 paving project. Dana Daniels explained the change order is largely due to the necessary and unanticipated over excavation and preparation of the subgrade. Following discussion, moved by Bennett, seconded by Miller, to approve Change Order #2 for the Improvement District 09-02 project in the amount of \$29,139.24. Roll call. Voting "aye" were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

**PAY REQUEST:**

Pepplitsch reviewed Pay Request #1 from Western Engineering for the Improvement District 09-02 paving project in the amount of \$444,948.18. Following discussion, moved by Miller, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**TRAIL PROJECT:**

Pepplitsch reviewed a proposal from Cement Products Inc. to settle pending liquidated damages on the Pedestrian Trail project. He noted that funds had previously been withheld from the final payment on the project in order to consider the assessment of damages. Following discussion, moved by Miller, seconded by Tomasek, to approve the settlement amount of \$24,300 and to authorize the City Manager to enter into an agreement to finalize the project. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch gave status updates on several current projects.

Burnside reported that the new city website will be ready to be launched in the near future.

Bennett and Miller both reported that they will be absent at the September 28 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.

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Deputy City Clerk