

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 28, 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, and John Salem. Council members Joni Bennett and Linda Miller were absent. 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 KNOP-TV, Kearney Hub and Lexington Clipper-Herald. Deb Jensen, Bernie Valish, and other interested parties were 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 9-14-10** Minutes of the Regular meeting held Tuesday, September 14, 2010, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$505,026.16 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$212,845.01 from the General Fund, \$251,889.35 from LEXUS, \$27,662.66 from Sanitation, \$245.72 from Ambulance Fund, \$8,911.65 from Health Fund, and \$3,471.77 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
September 28, 2010

Advanced Agri-Direct (USA), Inc.	Honey Wagon	10,000.00
Area Services	SW Service	477.50
Audio Editions	Books	8.00
Axis Capital, Inc.	Mail Machine Pmt	840.00
B & D Office City	Police Supplies	39.99
Baker & Taylor	Books	112.75
Barco Municipal Products, Inc.	ST / Cemetery Supplies	193.70
Barmore Drug Store, Inc.	Lib Supplies	199.98
Berke, David	Yard Clean-up	200.00
Bottom Line/Health	Subscription	29.95
Business Card	Conference / Books / Fuel / Book	2,378.69
Business Office Systems, Inc.	Copies	146.24

Card Center/Orscheln	WWTP / ST Supplies	221.94
Cash-Wa Distributing	Food / Supplies	817.46
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	4,297.60
Dawson County Clerk	Dispatch Fees	25,000.00
Dawson County Treasurer	Property Taxes	186.74
Demco	Lib Supplies	40.65
Dutton-Lainson Company	Meter Supplies	819.88
Electric Fixture & Supply	WWTP/ST/Muni Bldg Supplies	590.73
Eustis Body Shop	Towing Expense	415.00
Evans, Jesse	Travel Expense	90.00
Gale Group, The	Books	310.93
Garden, Lawn & Landscaping	Yard Clean-up	750.00
Great Western Bank-Lib. Petty Cash	Postage / Food / Supplies	200.83
Guideposts	Book	17.74
HD Supply Waterworks	Meter Yokes	2,461.80
Health Claims Fund	Claims	8,475.52
Holbein, Dahlas D.	Lawn Service	1,000.00
HTM Sales, Inc.	Lift Pump	2,593.88
Ingram Library Services	Books	284.04
Jim Phillips Const.	Manhole Repair	2,055.00
Kapco	Lib Supplies	21.73
Knapp Electric	Pump Repair	2,334.55
League of Nebraska Municipalities	Conference / WR Workshop	215.00
Lexington Newspapers, Inc.	Publications	242.14
Lexington Postmaster	Annual Fee	185.00
Lexington Utilities System	Utilities	36,782.54
Lexington, City of	Service Fees	54,857.75
Payroll	Wages	104,218.38
Social Security	Employer Portion / FICA Med	7,652.35
First National Bank	Employer Portion / Pension	3,374.02
First National Bank	Police Pension	1,683.50
ICMA	City Manager Pension	423.46
Linda's Stitches & Creations	PK / WR / ST Shirts	1,161.65
Lynn Peavey Company	Police Supplies	93.90
Martin's Flag Company	ST Supplies	225.36
Mead Lumber & Rental-Lexington	ST / WWTP / PK / WR Supplies	277.61
Miller & Associates	Retainer Service	800.00
Municipal Supply	WR Supplies	334.53
Nebraska Code Officials Association	Conference	200.00
Nebraska Life	Subscription	21.00
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	Sand & Gravel	351.25
Peak Interest LLC	Food	40.66
Plum Creek Market Place	Food / Supplies	88.48
Reiman Publications	Book	29.98
Roberts Dairy Company	Beverages / Food	443.12
Rodale	Book	39.94
S & W Auto Parts, Inc.	WWTP / Bldg Inspection Supplies	83.85
Service Master Mid Nebraska	Cleaning Service	4,741.00
Source Gas, LLC	Gas Service	10.40
TASC	Fees	164.90
Team Detail & Quicklube	Vehicle Maintenance	31.99
Thompson Co., The	Food / Supplies	890.44
U-Save Business Equipment	Fire/GGC/WWTP Spls/UPS Chgs	296.59
Univar USA, Inc.	Caustic Soda	6,348.75
Verizon Wireless	Cellphone Service	133.38

Wal-Mart	Supplies	247.94
Ward Laboratories	WR Testing	156.00
Case Credit Advantage	Central Garage Supplies	40.27
Central Garage Fund	Repair / Service	12,558.73
Certified Laboratories	Central Garage Supplies	207.89
Dan's Sanitation	Sanitation Fees	29,057.66
Designer Craft Woodworking	City Hall Case Work	32,008.50
Eilers Machine & Welding	WWTP Supplies	378.52
Farm Plan/Landmark Implement	Central Garage Supplies	51.15
Fastenal	WR / SW Supplies	156.61
Great Western Bank-City Petty Cash	Food / Postage / Testing Supplies	74.16
HD Supply Waterworks	WR Meter	1,161.04
Health Claims Fund	Claims	271.23
Holbein, Dahlas	Lawn Care	440.00
Lawson Products, Inc.	ST Supplies	355.92
Lexington, City of	Franchise	73,829.56
Linda's Stitches & Creations	PK / WR / ST Coats	1,452.90
Mead Lumber & Rental-Lexington	Central Garage/Bldg Insp Spls	105.48
Ne. Public Health Environmental Lab.	WR Testing	1,752.00
Nebraska Machinery	Central Garage Supplies	3,501.39
Paulsen, Inc.	Asphalt Millings	10,584.00
Plum Creek Motors	Central Garage Supplies	193.20
Reiners, Jo Ann	EL Rebate	200.00
S & W Auto Parts, Inc.	Central Garage Supplies	1,137.05
Sargent Drilling Co.	Well Motor	6,427.80
Source Gas, LLC	Gas Service	38.03
Sport Supply Group	PK Supplies	60.00
Statewide Collections, LLC	Collection Fees	277.94
T. O. Haas Tire Co., Inc.	Tires	263.08
Total Lawn Care	Lawn Care	3,141.00
U-Save Business Equipment	Office / Lib Supplies / Postage	313.97
Univar USA, Inc.	Ferric Sulfate	8,177.40
Upland Arborists	Trim Trees From EL Lines	20,750.00
	<b>TOTAL CLAIMS:</b>	<b>505,026.16</b>

**ORDINANCE:**

An ordinance entitled “AN ORDINANCE TO AMEND SECTION 19-3 OF THE LEXINGTON CITY CODE; TO AMEND THE PERMISSABLE DATES FOR SALE OF FIREWORKS; TO REPEAL ORIGINAL SECTION 19-3, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Bernie Valish, a local fireworks retailer, spoke in favor of the ordinance. Fagot noted that the State Legislature recently passed legislation allowing sales during the New Year holiday and municipalities may address the law individually. Following discussion, moved by Salem, seconded by Tomasek, to approve Ordinance No. 2286 on first reading. Roll call. Voting “aye” were Tomasek, Salem, Fagot. Motion carried.

**BECA GRANT APPLICATION:**

Deb Jensen, DAD, requested City support of an application for BECA grant funding to support economic development activities. The City and Dawson County would be collaborating sponsors of the grant with the City being the funding recipient and DAD as the administering agency. Following discussion, moved by Salem, seconded by Tomasek, to approve the BECA application as presented and to authorized the mayor to execute the application documents. Roll call. Voting “aye” were Tomasek, Salem, Fagot. Motion carried.

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE TO AMEND SECTION 16-86 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING IN DOWNTOWN LEXINGTON FOR STREET CLEANING PURPOSES; TO REPEAL ORIGINAL SECTION 16-86 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented for Council consideration. Following discussion, moved by Tomasek, seconded by Salem, to approve Ordinance No. 2287 on first reading. Roll call. Voting "aye" were Salem, Tomasek, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 2010-23 was presented. Peplitsch noted the Northwest 3<sup>rd</sup> Paving project will be completed in the near future and traffic control should be considered. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 2010-23 as presented. Roll call. Voting "aye" were Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-23

Whereas, Code Section 16-14 gives the City Council authority to revise the location of stop signs by Resolution.

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

That the Lexington City Manager is hereby authorized and directed to install stop signs at the intersection of Erie Street and 20th Street, requiring north and south bound traffic to stop at that intersection, and is further directed to place stop signs at the intersection of Erie Street and 18th Street, to stop west bound traffic on 18th Street.

Passed and approved September 28, 2010.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**CERTIFICATE:**

Peplitsch presented a Certificate of Substantial Completion for the Northwest Third Addition Sanitary Sewer project. Following discussion, moved by Salem, seconded by Tomasek, to approve the Certificate of Substantial Completion as presented. Roll call. Voting "aye" were Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch reviewed Pay Request #1 from Paulsen Inc. for the Northwest Third Addition Paving project in the amount of \$99,656.64. Following discussion, moved by Tomasek, seconded by Salem, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Tomasek, Fagot. Motion carried.

**FINANCIAL REPORT:**

Peplitsch reviewed a financial report for August 2010. Following discussion, moved by Tomasek, seconded by Salem, to accept the financial report as presented. Roll call. Voting "aye" were Salem, Tomasek, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch reported on the status of the Municipal Building Renovation project.

Burnside reported that he attended the Adult Soccer League finals and was presented with a signed soccer ball in appreciation of the work by the city on the new soccer field stadium. He also gave an update on the US Census process.

**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.

(digitally signed)  
Deputy City Clerk