

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 10, 2007, at the Lexington Municipal Building, located at 406 E. 7th 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 and Deputy City Clerk Pam Berke. Other city officials attending were Police Chief Charlie Clark. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of the Clipper-Herald. Concerned citizens 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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 3-27-07 Minutes of the Regular meeting held Tuesday, March 27, 2007, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,029,509.31 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$215,717.82 from the General Fund, \$1,999.86 from TIF, \$4,166.67 from ED Reuse, \$5,100.00 from Housing Reuse, \$774,046.49 from LEXUS, \$10,000.00 from Sanitation, \$5,581.50 from Ambulance Fund, \$5,034.92 from Health Fund, and \$7,862.05 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 10, 2007

All-American Sewer & Drain Cleaning, LLC	Service/ST	500.00
All Points Cooperative	WWTP Supplies	58.92
Alltel	Cellphone Service	105.99
Arrow Seed Company, Inc.	Park/Rec. Supplies	516.00
Axis Capital	Mail Machine Payment	455.85
Builders Warehouse	Lib. Supplies	328.32
Business Card	WR Supplies	41.55
C & H Distributors, LLC	Fire Dept. Supplies	785.28
Card Center/Orscheln	Supplies	39.92
Cash-Wa Distributing	Food & Supplies	1,293.42

Central Garage Fund	Fuel	9,442.14
Corporate Benefit Services of America	Premium	19,270.64
Dan's Sanitation	Sanitation Fees	10,783.00
Davis Energy, Inc.	Fuel	4,865.04
Dawson County Register of Deeds	Filing Fees	49.50
Dell Marketing L P	Computer/Supplies	1,034.04
Delta Dental of Nebraska	Premium	1,174.55
EDM Equipment Company	ST Supplies/Seminar	676.44
Electric Fixture	WWTP/EL Supplies	456.41
EMS Billing Services, Inc.	Ambulance Service	1,812.40
Fagot Refrigeration & Electric	Service/Repair	45.00
Farmer Brothers Coffee	Food & Supplies	187.54
Flowers of Joy	Office Expense	45.96
Gale Group, The	Books	247.79
Galeton Gloves	WWTP Supplies	99.75
Gengenbach, Kevin	Rental	55.00
Graphic Arts Shop	Police Supplies	234.00
Great Plains One-Call Service	Locates	56.02
Haines, Bill	Safety Boots	84.38
Hall, Dave	Safety Boots	88.35
HD Supply Waterworks	WR Supplies	365.34
Health Claims Fund	Claims	4,630.79
Hipp Wholesale Foods, Inc.	Food & Supplies	471.71
Hometown Leasing	Copier Payments	603.83
Husker Ag Sales	WWTP Supplies	30.23
Ingram Library Services	Books	94.90
Jones Plumbing & Heating	Supplies/Repairs	476.83
Juhlin, Lori	Conference/Seminars	24.74
Kemps-Gillette	Beverages	248.77
Kinder Morgan	Meter Rplcmt/Gas Svc	27,080.15
Lexington Animal Clinic	Animal Care	953.00
Lexington Area Solid Waste Agency	Landfill	1,948.32
Lexington Glass Co.	Supplies	642.62
Lexington Health Fund	Self-funding	35,676.65
Lexington Newspapers, Inc.	Publications	202.96
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	117.77
Lexington Volunteer Fire Dept.	Ambulance Fees	3,124.14
Lexington, City of	Franchise/Service Fees	46,131.45
Payroll	Wages	92,352.98
Social Security	Empl'r Port/FICA Med	6,824.56
First National Bank	Empl'r Port Pension	3,087.31
First National Bank	Police Pension	1,301.19
ICMA	City Manager Pension	356.81
Linweld	Ambulance Supplies	165.78
Mead Lumber	WWTP Supplies	17.87
Michael Todd & Co., Inc.	ST Equip/Supplies	1,280.38
Municipal Supply	WR Supplies	465.73
NE Conf of Building Officials & Inspectors	Conference/Seminars	30.00
NE Dept. of Economic Development	Mid Plains CDBG Pymt	4,166.67
Nebraska Municipal Power Pool	Membership Dues	2,081.76
NPPD	Svc/Repair/Power Purch	569,170.30
Nebraska Public Power District/Dawson Canal	Coverage Pump & Tap	4,584.00
Nebraska Waste Handlers	Sludge Removal	4,467.60
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
O, The Oprah Magazine	Subscription	15.00

Olsson Associates	Professional Fees	4,021.19
Overton Sand & Gravel	Gravel	470.68
Paulsen, Inc.	Gravel/Concrete	1,744.44
Peak Interest	Food	29.18
Platte Valley Communications	Repairs/Maint./Supplies	485.00
Plum Creek Cleaners	Supplies	338.50
Quill Corporation	Office Supplies	131.86
Recorded Books	Books	145.00
S & W Auto Parts, Inc.	WWTP Supplies	23.39
Schultz, Edna	Conference/Seminars	63.05
Service Master Mid Nebraska	Cleaning Service	807.50
Spring Creek Embroidery Works	Uniform Expense	85.00
St. Ann's Church	Rec. Dept./Soccer Fields	1,000.00
State Fire Marshall Training Division	Certifications	450.00
T. L. Sund Constructors, Inc.	Repair	304.95
TierOne-Lib. Petty Cash	Postage/Supplies	28.04
Tri-County Hospital	Wellness/Supplies	410.00
U-Save Business Equipment	Office Supplies	105.06
Univar USA, Inc.	WWTP/Sulfuric Acid	2,209.32
Wal-Mart	Supplies	458.90
Water Safety Products, Inc.	Pool Supplies	280.62
Weathercraft Company	Repair	254.17
Willard Weinhold Law Office	Fees	2,142.00
All Points Cooperative	Fuel	116.35
Anderson Graphics	Lib. Supplies	17.50
B & D Office City	Office Supplies	70.92
Barco Municipal Products	St Supplies	338.87
Beringer Ciaccio Dennell Mabrey	GGC Architect	377.04
Card Center/Orscheln	EL/SA/Park Supplies	142.04
Cash-Wa Distributing	Food & Supplies	870.77
Case Credit Advantage	Central Garage Supplies	125.75
Central Garage Fund	Repairs	4,871.98
Countryman Associates, P.C.	Pro Services/Audit	29,100.00
Culligan Water Conditioning Co.	Soft Water Supplies	138.52
D & R Computing	EL Supplies/Service	210.78
Dan's Sanitation	Sanitation Fees	1,633.00
Davis Energy, Inc.	Fuel/Supplies	6,010.36
Dawson Area Development	Membership	10,000.00
Dawson County Public Power	Power Purchase	4,959.01
Depository Trust Co.	2004 GO Bond Interest	30,001.25
Eilers Machine & Welding	Park Supplies	12.55
Fagot Refrigeration & Electric	Supplies/Repairs	529.75
Fisher Scientific	SW Supplies	364.42
Fyr-Tek	Fire Dept. Supplies	355.03
G & V Inc.	Demolition/Harrison	5,000.00
H. O. Smith Co.	Title Certificate	100.00
Health Claims Fund	Claims	404.13
Holbein, Dahlas	Lawn Care	30.00
Husker Ag Sales	Central Garage Supplies	50.40
Ingram Library Services	Books	70.83
Intellicom Computer Consulting, Inc.	GGC Telephone System	1,593.20
Kemps-Gillette	Beverages	45.18
Lexington Glass Company, Inc.	Invoice Correction	-15.62
Lexington Newspapers, Inc.	Publications	195.32
Lexington True Value	EL Supplies	40.64
Mead Lumber	ST/Cem/WR Supplies	182.62
Mid-Nebraska Printing	Office Supplies	61.83

Miller & Associates	Memorial Park WR Imp	349.64
Mr. Automotive	Central Garage Supplies	37.07
Nebraska Machinery	Central Garage Supplies	111.00
Nebraska Department of Labor	Unemployment	418.00
Nebraska Department of Revenue	Sales & Use Tax	35,764.06
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,398.19
Nebraska Truck & Equipment	TIF	1,999.86
Nguyen, Tao	Electric Rebate	1,025.00
S & W Auto Parts, Inc.	Central Garage Supplies	1,494.39
Showcases	Lib. Supplies	43.60
Sign Pro	Rec. Supplies	155.00
T. O. Haas Tire Co., Inc.	Repairs	77.97
TierOne-City Petty Cash	Postage	138.00
TierOne-Library Petty Cash	Postage	14.26
U-Save Business Equipment	Postage	12.45
Upstart	Library Supplies	39.40
Wal-Mart	Supplies	395.81
Zook Welding Shop, Inc.	Hitting Complex Repair	1,868.00
	Total:	1,029,509.31

PUBLIC HEARING: Mayor Fagot opened the public hearing regarding a special use permit application by the Lexington Housing Authority for a storage facility at 600 N. Taft. Diane Adams explained that the building would be used as a storage unit to house building material during remodeling phases of Housing Authority properties. She noted that the east end of the building was damaged by fire in recent years and that portion of the building will not be used until repairs have been made. Peplitsch noted that the Planning Commission has recommended approval of the application. Following discussion, the public hearing was closed. Moved by Tomasek, seconded by Bennett, to approve the special use permit application. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened the Public Hearing to consider a request for a Liquor License Application for a Class “D” Liquor License for CT Jewell Company Inc. DBA Hi Times Liquor Mart 2, located at 109 Cattleman Drive, Suite 5. Manager Linda Shivelbein appeared before the Council to answer any question regarding the business. When a question regarding the policy on selling to minors was asked, she informed the Council that they will have a drivers license scanner on site that should help deter sales to minors. The Public Hearing was closed. Following discussion, moved by Salem, seconded by Tomasek, to recommend approval of Liquor License Application for Class “D” Liquor License for CT Jewell Company Inc. DBA Hi Times Liquor Mart 2. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened the Public Hearing to discuss a status update on the current CDBG programs. Deb Jensen, DAD, updated the Council on the open CDBG projects. The Council thanked Mrs. Jensen for her information and Mayor Fagot closed the Public Hearing. Moved by Bennett, seconded by Miller, to accept the report on open CDBG projects. Roll call. Voting “aye” were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

UPDATE – BOYS & GIRLS CLUB OF AMERICA: Victor Diaz, representing the Boys & Girls Club, presented a video and gave an update on the status of the proposed club in Lexington. He stated that a club, available for 8th to 12th grades kids, will be included in the North Platte BGCA charter and combine resources for the two clubs. An opening date is planned for June or August 2007. They are exploring several sites for the club in the downtown area. The Council thanked Mr. Diaz for his presentation.

CITY CODE AMENDMENT: Council discussed amending Chapter 5 of the Lexington City Code and reviewed a draft ordinance regarding dangerous dog classification and regulation. Marty Smith, asked that any changes made be enforceable. Myron Nass, requested consideration of outlawing pit bulls and pit bull mixes in any changed ordinance. Mayor Fagot commented that enforcement of any laws also requires assistance from the public. Following discussion, Council directed Staff to make amendments to the draft ordinance regarding issues discussed, and bring back to the Council for future consideration.

RESOLUTION: Peplitsch discussed the limited amount of housing available to area construction workers for the 2007 construction season. Following discussion, Resolution No. 07-14 was read. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 07-14. roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 07-14

A RESOLUTION TO AUTHORIZE TEMPORARY USE OF MOBILE HOME PARKS FOR PARKING OF TRAILERS FOR CONSTRUCTION HOUSING.

Whereas, it is anticipated that the City of Lexington will require accommodations to house construction workers during the 2007 construction season which are in excess of the capacity of existing campgrounds and facilities; and

Whereas an emergency exists requiring the use of existing resources for sanitary and safe housing sites;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City Manager is directed to identify locations within the city zoning jurisdiction which are available and adaptable for parking of camper trailers;
2. That the City Manager is directed and authorized to suspend enforcement of existing zoning and other regulations of mobile home parks in order to allow parking of camping trailers at locations other than licensed campgrounds, where electric, water, sanitary sewer and trash removal services are available.
3. That this suspension of rules shall continue for such period of time as the City Manager shall determine, in his discretion, such added housing facilities are necessary to accommodate construction workers in the area.

Passed and approved April 10, 2007.

John Fagot, Mayor

Attest: Pamela Berke, Deputy City Clerk

- 2007 ACTION PLAN:** Peplitsch reviewed the 2007 Development Action Plan, as compiled through planning efforts. Following discussion, moved by Miller, seconded by Bennett, to accept the 2007 Action Plan as a working document. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.
- PAY REQUEST:** Peplitsch requested approval of Pay Request #6 from Paulsen, Inc. for the Grand Generation Center Renovation project. Following an update of the project, moved by Salem, seconded by Tomasek, to approve Pay Request #6 from Paulsen, Inc. in the amount of \$60,777.00. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.
- EXECUTIVE SESSION:** Moved by Salem, seconded by Miller, to retire into executive session at 7:03 pm for the purpose of completing a yearly evaluation of the City Manager’s job performance. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried. Moved by Salem, seconded by Miller, to adjourn from Executive Session at 7:44 pm. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.
- ROUNDTABLE:** Peplitsch advised that a formal letter has been sent to HUD accepting participation in the Call to Action for Affordable Housing Initiative. He also noted the need to appoint a representative to the Dawson Area Development Board, and a member to the Planning Commission.
- Burnside announced that Lexington has achieved Tree City USA status for the tenth consecutive year. The Tree Board will be celebrating Arbor Day on April 27th by planting trees at the Library. He noted that Keep Lexington Beautiful and the service building are working on a community clean up day, possibly in June. Burnside reported that the Welcome sign project is progressing and will be breaking ground next week depending on weather conditions.
- Salem requested that the next planning session be scheduled the first part of May, if possible.
- 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