

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 14, 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 Steve Tomasek, John Salem, Linda Miller and Joni Bennett. City Officials present were City Manager Joe Pepplichtsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, Police Chief Charlie Clark and Deputy City Clerk Pam Berke. Members of the press included Harry Perkins of Kearney Hub and Malena Ward of the Clipper-Herald. Interested citizens also were 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 Vice Chaiman Steve Tomasek. Tomasek 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 7-24-07 Minutes of the Regular meeting held Tuesday, July 24, 2007, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Miller, Salem, Tomasek. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,937,509.79 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$370,269.86 from the General Fund, \$125,000.00 from Economic Development Fund, \$28,150.00 from TIF Fund, \$4,042.50 from ED Reuse, \$20,706.90 from Housing Reuse, \$1,189,330.69 from LEXUS, \$10,000.00 from Sanitation, \$100.20 from Landfill, \$105,411.63 from Ambulance Fund, \$76,709.69 from Health Fund, and \$7,788.32 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Salem, Bennett, Tomasek. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 14, 2007

AFLAC	Premium	975.46
All-American Sewer LLC	GGC Service	45.00
All Points Cooperative	Fertilizer/Insecticide/Fuel/Food	5,229.85
Alltel	Cellphone Service	147.17
American Fence Company, Inc.	PK Supplies	33.44
Anderson Graphics	Library Supplies	17.50
Associated Supply Company, Inc.	Pool Supplies	2,577.82
Axis Capital	Mail Machine Payment	527.37

Barco Municipal Products	ST Supplies	61.29
Barmore Drug Store, Inc.	EL Supplies	3.20
Better Homes And Gardens	Subscription	30.91
Business Card	ST/Office Supplies/Conf/Seminars	1,103.52
Business Professional Credit Management	Collection Fees	96.02
Business Office Systems of Nebraska	Office Supplies	162.64
Buysm Sod	Grass Sod	160.00
Card Center/Orscheln	Supplies	348.06
Case Credit Advantage	Central Garage Supplies	436.93
Cash-Wa Distributing	Food & Supplies	3,243.58
Central Garage Fund	Repairs/Service/Fuel	16,006.57
Certified Laboratories	Central Garage Supplies	105.67
Coca Cola/Dr. Pepper of Kearney	Beverages	272.00
Community Redevelopment Authority	Welcome Sign/Ford & Ford/TIF	28,150.00
Conney Safety Products	ST Supplies	117.15
Corporate Benefit Services of America	Premium	16,582.07
Country Books	Book	28.98
Cozad Carpet Cleaning And Restoration	PK Service	251.75
Cozad Services, Inc.	GGC/WWTP Service	610.43
Culligan Water Conditioning Co.	Soft Water Supplies	155.48
Dan's Sanitation	Sanitation Fees	12,878.00
Davis Energy, Inc.	Fuel	5,470.45
Dawson County Handibus	Transportation	12.00
Dawson County Public Power	Power Purchase	8,391.45
Dawson County Register of Deeds	Filing Fees	46.50
Dawson Pest Control	GGC Service	27.00
Dell Marketing L P	Laptop/Projector	2,170.59
Delta Dental of Nebraska	Premium	1,027.75
DeZurik Water Controls	WWTP Supplies	868.41
Diamond Vogel Paint	PK Supplies	159.36
Downey Drilling, Inc.	WWTP/WR Supplies	2,455.70
Dutton-Lainson Company	EL Supplies	3,334.26
Eakes Office Plus	Library Copier/Copies	737.43
Electric Fixture	EL Supplies	239.77
EMS Billing Services, Inc.	Ambulance Service	1,767.86
Farmer Brothers Coffee	Food & Supplies	242.02
Fastenal	PK Supplies	10.28
Gale Group, The	Books	251.86
Gengenbach, Kevin	Rental	165.00
Gnirk Lawn Care, Inc.	Lawn Care	1,939.25
Gordon's Repair	WWTP Supplies	14.17
Great Plains One-Call Service	Locates	64.93
HD Supply Waterworks	WR Supplies	540.79
Halsen Products Company	ST/PK/WR Supplies	277.12
Health Claims Fund	Claims	71,487.88
Holmes Plbg. & Htg. Supply Co.	PK Repairs	352.37
Hometown Leasing	Copier Payments	451.39
Husker Ag Sales	Central Garage Supplies	1,269.39
Ingram Library Services	Books	159.22
International Assn of Electrical Inspectors	Membership Dues	90.00
International Code Council	Books	128.00
Jakes Toro Sprinklers	Repair	332.35
Jones Plumbing & Heating	WR/WWTP/Pool Supplies/Repairs	1,680.95
K & K Parts Co., Inc.	WR Supplies	112.29
Kinder Morgan	Gas Service	7,445.69
Kratzer Electric, Inc.	PK/Pool Supplies/Repairs	1,437.80
Lexington Animal Clinic	Animal Care	1,368.60

Lexington Area Solid Waste Agency	Landfill	1,390.32
Lexington Glass Co.	Central Garage Supplies	15.00
Lexington Health Fund	Self-funding	30,887.30
Lexington Newspapers, Inc.	Publications	416.93
Lexington Postmaster	Postage/Annual Fees	325.00
Lexington True Value	Supplies	63.49
Lexington Utilities System	Utilities	24,005.90
Lexington, City of	Franchise/Service Fees	54,075.73
Payroll	Wages	107,980.20
Social Security	Employer Portion/FICA Med	8,033.24
First National Bank	Employer Portion/Pension	2,855.55
First National Bank	Police Pension	1,386.99
ICMA	City Manager Pension	393.85
Lexisnexis Matthew Bender	Book	97.95
Lien Lawn Services	Lawn Care	1,000.00
Mac's Short Stop	Food	72.94
Mac's Welding & Repair	WR Supplies	101.65
Manufacturers' News, Inc.	Book	81.95
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	PK/ST/Cemetery Supplies	174.97
Mid-Nebraska Printing	GGC Copies	240.90
Mid-State Units	Rental	3,640.00
Miller & Associates	Handicap Improv/13th St Urban	89,311.82
Misko Sporting Goods	PK Supplies	102.44
Mr. Automotive	Central Garage Supplies	88.69
NASC	Conference/Seminars	40.00
National Arbor Day Foundation	Membership Dues	15.00
Nebraska Dept. of Economic Development	Orthman's CDBG Payments	4,042.50
Nebraska Machinery	WR Repairs	401.06
Nebraska Public Power District	Power Purch/O&M/Light Upgrade	955,263.02
Nebraska State Treasurer	Unclaimed Property	4,512.09
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,349.69
Nebraska Waste Handlers	Sludge Removal	5,832.70
Nelson, Margie L.	Cleaning Service	500.00
Nelson, Tom A.	Conference/Seminars	209.00
Neopost	Postage	1,500.00
Northern Tool & Equipment Co.	ST Supplies	55.97
North Safety Products LTD	WR Supplies	517.90
OCLC / Forest Press	Book	99.00
Overton Sand & Gravel	Gravel/Sand	383.38
Paulsen, Inc.	Concrete/Gravel	4,027.36
Platte Valley Auto Mart	Central Garage Supplies	30.69
Platte Valley Communications	Repairs/Maint./Supplies	1,535.50
Plum Creek Auto Spa	Car Washes	27.00
Plum Creek Cleaners	Supplies	236.50
Plum Creek Market Place	Food	45.47
QPR (United States)	ST Supplies	502.85
Random House, Inc.	Books	153.00
Rasmussen Mechanical Service Corp.	Library Repairs/Controller	6,559.63
Reader's Digest	Subscription	27.98
Roberts Dairy Company	Beverages	320.33
S & W Auto Parts, Inc.	WWTP/Central Garage Supplies	1,990.21
Schwan's Sales Ent	Food	136.88
Service Master Mid Nebraska	Cleaning Service	821.25
Solomon Corporation	EL Substation Recondition/Repair	27,850.00
Stobbe Welding	Repairs	60.80
Stroud, Eric L.	Utility Refund	0.26

Subway Sandwiches & Salads	Food	76.81
T. O. Haas Tire Co., Inc.	Tires/Repair	40.79
T. L. Sund Constructors, Inc.	Memorial PK Shelter	31,282.00
TASC	Premium	170.20
Team Detail & Quicklube	Car Washes	43.98
Thompson Company, The	Food	718.62
TierOne-Lib. Petty Cash	Postage/Supplies	40.24
Total Lawn Care	Lawn Care	2,550.00
Trans-Lux	PK Repairs	63.80
Tri-County Hospital	Wellness	198.00
Tyler Technologies	Software Maintenance	9,632.00
U-Save Business Equipment	Office Supplies	87.28
Underground Construction, Inc.	ST Light Repair	8,276.00
Utility Equipment	WR Supplies	345.27
Univar USA, Inc.	WWTP Supplies	5,249.11
Verdin Company, The	ST Clock Repair	12,326.38
Wal-Mart	Supplies	784.55
Ward Laboratories	Water Tests	48.00
Wesco Distribution, Inc.	EL Supplies	24.40
Willard Weinhold Law Office	Fees	2,340.00
All-American Sewer	WWTP Service	800.00
All Points Cooperative	Fuel	137.38
Alltel	Cellphone Service	52.15
Arlan Ackerman	OOR Housing	12,665.00
B & D Office City	Office Supplies	69.09
Barmore Drug Store, Inc.	Ambulance Supplies	43.16
Brecks, Bill	Lawn Care	400.00
Cash-Wa Distributing	Food	701.86
Central Garage Fund	Repairs/Service	1,269.03
Coca Cola/Dr. Pepper of Kearney	Beverages	32.00
Council For Economic Development	Loan	125,000.00
Davis Energy, Inc.	Fuel	4,932.73
Dawson Pest Control	Fire Dept. Service	45.00
Deeter Foundry, Inc.	WWTP Supplies	928.00
Eakes Office Plus	Library Supplies	18.39
Eustis Body Shop	Towing Service	70.00
Excal Visual	Inspect. Education Supplies	1,004.75
Fagot Refrigeration & Electric	WWTP/Landfill Service & Repair	281.21
Farmer Brothers Coffee	Food	37.02
Gnirk Lawn Care, Inc.	Lawn Care	790.00
Health Claims Fund	Claims	4,076.15
Ingram Library Services	Books	82.57
Jeffrey Contracting	OOR Housing	7,962.70
Lexington True Value	ST/WR Supplies	49.53
Linweld	Ambulance Supplies	37.48
Luther, Ann	Phone Replacement	130.89
Mac's Short Stop	Pool Supplies	6.39
Nebraska Department of Revenue	Sales & Use Tax	42,650.81
Mead Lumber & Rental-Lexington	ST/PK Supplies	194.89
Menards-Kearney	Pool Supplies	196.00
Michael Todd & Co., Inc.	WR Supplies	177.79
Mid-Nebraska Food Bank	Food & Supplies	39.04
Midwest Vehicle Professionals	Ambulance	103,400.00
Plum Creek Market Place	Food	6.38
Reiman Publications	Subscription	14.98
Roberts Dairy Company	Beverages	164.30
Sargent Drilling Co.	Service	350.00

Thompson Co., The	Food	276.39
TierOne-City Petty Cash	Postage/Food/Testing Supplies	16.70
U-Save Business Equipment	Postage	9.20
Wal-Mart	Supplies	393.85
Ward Laboratories	Water Tests	12.00
Wesco Distribution, Inc.	EL Supplies	870.98
	TOTAL CLAIMS:	1,937,509.79

PUBLIC HEARING: Tomasek opened a public hearing to consider an application by Ramirez Corporation DBA La Hacienda, 601 North Grant, for an "I D" Liquor License. Jeff Wightman, representing Ramirez Corporation, addressed the council regarding the restaurant's desire to serve alcohol with meals. He noted that the corporation held a liquor license in the past as "El Dos de Oros" and that the license had lapsed. He noted that under the former license, Javier Ramirez was cited for sale to a minor and assessed a fine. The public hearing was closed. Following discussion, moved by Salem, seconded by Miller, to recommend approval of the application by Ramirez Corporation DBA La Hacienda to the Liquor Control Commission. Roll call. Voting "aye" were Bennett, Miller, Salem, Tomasek. Motion carried.

PUBLIC HEARING: Tomasek opened a public hearing to consider an application by Murillo Corporation DBA El Casino Bar, for an "I D" Liquor License. Amber Ackerson, representing Murillo Corporation, addressed the council regarding Jose Juan Murillo's work history and background. She noted that he failed to disclose a 1990 criminal charge on the application. She asked the Council to consider Mr. Murillo's work history and subsequent training in their decision. Police Chief Clark addressed the Council about the failure to disclose information. He recommended denial of the application. The public hearing was closed. Following discussion, motion by Miller, seconded by Bennett, to forward no recommendation to the Liquor Control Commission on the application by Murillo Corporation DBA El Casino Bar. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek. Motion carried.

ORDINANCE: Burnside presented an Ordinance amending Chapter 6 of the Lexington City Code concerning the moving of buildings within the City limits. The changes have been reviewed by the Planning Commission and forwarded to Council for their consideration. Following discussion, the ordinance entitled "AN ORDINANCE TO AMEND SECTIONS 6-16, 6-17, 6-18, AND 6-20 OF THE LEXINGTON CITY CODE; TO MAINTAIN AND ENCOURAGE IMPROVEMENT OF LEXINGTON'S HOUSING STOCK; TO REPEAL ORIGINAL SECTIONS 6-16, 6-17, 6-18, AND 6-20, 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 read by title. Moved by Salem, seconded by Miller, to adopt Ordinance on first reading. Roll call. Voting "aye" were Bennett, Miller, Salem, Tomasek. Motion carried.

CONSULTANT SELECTION: Peplitsch presented a joint city/county resolution for Council consideration to approve consultant selection for the rural viaduct location study. He noted that seven proposals were received, the consultant selection committee interviewed three short listed firms, and recommends awarding a contract to Kirkham Michael for the study. Following discussion, moved by Miller, seconded by Bennett, to approve Joint Resolution No. 07-24. roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek. Motion carried.

JOINT RESOLUTION NO. 07-24

WHEREAS, the City of Lexington and Dawson County have jointly proposed a location study of a rural viaduct within a one mile radius of the intersection of County Road 435 and the Union Pacific Railroad; and

WHEREAS, the City of Lexington and Dawson County have requested and received proposals for consulting services for such location study; and

WHEREAS, a Consultant Selection Committee consisting of City of Lexington and Dawson County officials has evaluated, interviewed, and recommended consulting services.

The Mayor and Council of the City of Lexington, Nebraska, and the Board of Commissioners of Dawson County, Nebraska, therefore jointly resolve as follows:

1. That the recommendation of the Consultant Selection Committee to award contract services for the Rural Viaduct Location Study—East Lexington to Kirkham Michael is hereby approved.
2. That the City Manager of the City of Lexington is hereby authorized to execute contract documents with Kirkham Michael for the study.

This Joint Resolution PASSED AND APPROVED by the City Council of the City of Lexington, Nebraska, on the 14th day of August, 2007.

John Fagot, Mayor
ATTEST: Pamela Berke, Deputy City Clerk

APPROVED by the Board of Commissioners of Dawson County, Nebraska, on this 15th day of August, 2007.

Linda Benjamin, Chairman of County Board
ATTEST: Karla Zlatkovsky, County Clerk

AIRPORT BUDGET REQUEST: Pepplitsch requested approval of a resolution allocating levy authority to the Lexington Airport Authority for Fiscal Year 2008; which is an annual request. Following discussion, moved by Bennett, seconded by Miller to approve Resolution No. 07-25. roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek. Motion carried.

RESOLUTION NO. 07-25

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$112,000.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2007-2008.

Passed and approved this 14th day of August 2007.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

- ACCOUNTS RECEIVABLE:** Peplitsch requested authorization to remove balances for accounts deemed uncollectible. Following discussion, moved by Salem, seconded by Miller, to authorize the City Treasurer to remove balances for accounts deemed uncollectible. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek. Motion carried.
- BUDGET WORK SESSION:** Peplitsch presented a draft 2008 General Fund budget; highlighting equipment and capital needs and changes from previous work sessions in the General Fund. Following discussion, no action was taken.
- PLANNING SESSION DATE:** Council discussed dates for a Planning Session. A session may be set for Saturday, September 8, 2007 at 8 a.m.
- ROUNDTABLE:** Burnside noted that traffic signals at 7th and Washington are currently flashing, awaiting parts.
- Weinhold updated Council on effects of the animal ordinance and how the court system is proceeding with cases.
- ADJOURNMENT:** There being no further business to come before the Council, Tomasek declared the meeting adjourned.

Steve Tomasek
Vice President

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