

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 28, 2007, 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, Linda Miller, and John Salem. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy City Clerk Pam Berke. The press was represented by the Lexington Clipper-Herald, Kearney Hub, and KNOP-TV. Other citizens included Michael Lonowski; Jen Wolf, DAD Executive director; Tydd Rohrbough, Cornhusker Energy Lexington, LLC; and Connie Bennett..

**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 8-14-07** Minutes of the Regular meeting held Tuesday, August 14, 2007, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion Carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$360,831.74 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$171,524.32 from the General Fund, \$8,209.17 from ED Reuse, \$1,768.89 from Housing Reuse, \$129,661.68 from LEXUS, \$24,459.30 from Sanitation, \$14,180.62 from Landfill, \$180.82 from Ambulance Fund, \$8,174.35 from Health Fund, and \$2,672.59 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  
August 28, 2007

Ackerman, Terry	Tree Removal	1,950.00
All Points Cooperative	Fuel/Supplies	75.21
Alltel	Cellphone Service	147.51
Associated Supply Company, Inc.	Pool Service	490.61
Barnes Distribution	WR Supplies	342.54
Bottom Line/Retirement	Subscription	39.00
Business Card	WR Supplies	4.41
Business Telecommunication Systems, Inc.	Phone Replacement	153.84
Buysm Sod	Grass Sod	910.00
Card Center/Orscheln	Supplies	129.96

Case Credit Advantage	Central Garage/WWTP Supplies	153.31
Cash-Wa Distributing	Food & Supplies	578.64
Central Community College	Conference/Seminars	293.37
Central Garage Fund	Repairs/Service	3,372.03
Culligan Water Conditioning Co.	Soft Water Supplies	21.53
Davis Energy, Inc.	Fuel	1,321.25
Dutton-Lainson Company	Meter Supplies	764.11
Eakes Office Plus	Library Supplies	7.75
Electric Fixture	ST Supplies	27.40
Fastenal	Ambulance Supplies	10.82
Franzen Fencing	Landfill/Maintenance	5,847.62
FYR-TEK	Fire Dept. Supplies	737.50
Gale Group, The	Books	44.14
HD Supply Waterworks	WR Supplies	922.88
Health Claims Fund	Claims	7,770.09
Holbein, Dahlas D.	Unit Washes	865.00
Husker Ag Sales	Central Garage Supplies	54.75
Ingram Library Services	Books	834.94
Jim Phillips Const.	Main Break/15th ST Imprvmnts	15,060.00
Kearney Drain Company	ST Service	1,600.00
Keim, Jo	Serv. Bldg. Supplies	86.86
League of Nebraska Municipalities	Conference//Membership Dues	8,560.00
Lexington Newspapers, Inc.	Publications	250.72
Lexington Recreation Program	Volleyball/Soccer Instruction	5,000.00
Lexington Truck & Auto	Central Garage Supplies	100.00
Lexington Utilities System	Utilities	23,602.27
Payroll	Wages	105,140.57
Social Security	Employer Portion / FICA Med	7,814.99
First National Bank	Employer Portion / Pension	2,885.70
First National Bank	Police Pension	1,336.93
ICMA	City Manager Pension	380.00
Mead Lumber & Rental-Lexington	PK/WWTP/Central Garage Spls	242.68
Mid-Nebraska Food Bank	Food & Supplies	49.36
Mid-Nebraska Printing	GGC Supplies	171.19
Miller & Associates	Retainer Service	800.00
National Council On The Aging, Inc.	Membership Dues	195.00
Nebraska Community Foundation-Main St.	Membership Dues	2,000.00
Nebraska Dept. of Economic Development	CDBG Payment	8,209.17
Nebraska Public Health Environmental Lab.	WR Testing	1,378.00
Ollis Book Corporation	Books	131.50
Overton Community Center	Meals On Wheels	100.00
Paulsen Inc.	Concrete	2,663.85
Peak Interest	Food	42.37
Platte Valley Auto Mart	WWTP Service	70.39
Plum Creek Children's Literacy Festival	Conference/Seminars	50.00
Price's Tree Service	Tree Removal	400.00
Rasmussen Mechanical Service Corp.	Library Service	287.50
Reiman Publications	Subscription	14.98
Rinker Materials	WWTP Supplies	728.68
Roberts Dairy Company	Beverages	137.35
S & W Auto Parts, Inc.	PK/WR/Central Garage Supplies	930.82
Sargent Drilling Co.	Service Well #16	3,413.30
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,027.50
Sign Pro	Park Signs	132.00
T. O. Haas Tire Co., Inc.	Repair	12.79
Team Detail & Quicklube	Car Washes	43.98
Telephone Systems of Nebraska, Inc.	Surveillance Cameras	4,317.44

Thompson Co., The	Food & Supplies	445.49
TierOne-Lib. Petty Cash	Postage	39.11
Underground Construction, Inc.	Sewer Line/Wesleyan Addition	2,658.10
Utilities Sctn-League of Ne. Municipalities	Membership Dues	3,555.00
Utility Equipment	Curb Box Freight	108.50
Wal-Mart	Supplies	767.87
Ward Laboratories	Lab Tests	12.00
Wolf, Tracy	Conference/Seminars	22.50
All Points Cooperative	WWTP Supplies	74.01
Brown Traffic Products	ST Supplies	334.15
Card Center/Orscheln	Supplies	32.45
Cash-Wa Distributing	Library Supplies	46.00
Central Community College	Conference/Seminars Credit	-4.87
Conney Safety Products	Safety Glasses	358.12
Dan's Sanitation	Sanitation Fees	24,459.30
Davis Energy, Inc.	Fuel	4,347.81
Environmental Pest Control	Building Maintenance	100.00
Fastenal	ST Supplies	528.29
Gale Group, The	Books	72.68
Health Claims Fund	Claims	404.26
Holbein, Dahlas	Mow Weeds	275.00
Ingram Library Services	Books	107.57
Kinder Morgan	Gas Service	1,195.21
Lahm, Irene	Lex. Flags Repair	46.00
Lexington, City of	Franchise/Service Fees	67,320.19
Michael Todd & Co., Inc.	ST Supplies	909.60
Naumann, Sondra	Cleaning Service	96.00
Nebraska Law Enforcement	Recertification	50.00
Nebraska Library Commission	Library Supplies/Membership Fees	1,330.24
Nebraska Machinery	WWTP Service/Repair	1,010.97
Pace Analytical	Landfill Analysis	8,333.00
Penworthy Company	Books	736.85
Plum Creek Auto Spa	Car Washes	20.50
Rasmussen Mechanical Service Corp.	Library Service	674.09
Roberts Dairy Company	Beverages	132.25
Specialty Electric	Library Repair	622.00
T. L. Sund Constructors, Inc.	CED Paving	1,768.89
T. O. Haas Tire Co., Inc.	Tires	208.01
T & R Service	Transformer Disposal	4,404.82
Technical Maintenance & Service	WWTP Service/Repair	831.80
Thompson Co., The	Food & Supplies	433.09
TierOne-City Petty Cash	Postage/Food/Fuel	40.92
Time	Subscription	75.95
Ultramax	Ammunition	3,295.00
U-Save Business Equipment	Supplies	16.99
Wal-Mart	Supplies	181.41
Ward Laboratories	Lab Tests	12.00
Wayne Manufacturing Co., L. C.	ST Supplies	104.52
	TOTAL CLAIMS:	360,831.74

**ORDINANCE:**

An 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, on second reading. Burnside noted amendments to the ordinance from the previous reading. Following discussion, moved by Tomasek, seconded by Bennett to suspend rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried

Ordinance No. 2237 was read by title. Moved by Tomasek, seconded by Miller, to adopt changes made and to pass Ordinance No. 2237 on final reading. Roll call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

**DAD ANNUAL REPORT:**

Jen Wolf, Executive Director of DAD, presented a report on activities completed for fiscal year 2007 and those planned for 2008. She also noted that DAD will be increasing membership dues for members. The Council thanked Ms. Wolf for her presentation and the work DAD has done for Lexington and Dawson County.

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider an application for a zoning change by Michael Lonowski, Black Diamond Auto, at 403 West 5<sup>th</sup> Street, Lexington, from M-2 Heavy Industrial to C-3 commercial. Mr. Lonowski explained he is requesting a change so that he may obtain a dealer’s license through the State of Nebraska to sell rebuilt vehicles through his auto body repair business. The Public Hearing was closed. An Ordinance entitled “AN ORDINANCE TO REZONE LOTS 11 AND 12, MACCOLL AND LEFLANG’S ADDITION TO THE CITY OF LEXINGTON, FROM M-2 HEAVY INDUSTRIAL DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read. Moved by Tomasek, seconded by Salem, to adopt the ordinance on first reading. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**DEED OF DEDICATION:**

Pepplitsch explained that Don Price wanted to donate a small portion of property to be used as public ROW as West Maple Street. The land has been utilized as public ROW, but had never been dedicated properly. Resolution No. 07-26 was read Moved by Miller, seconded by Tomasek, to approve Resolution No. 07-26. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 07-26**

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

That the Deed of Dedication to the City of Lexington, Dawson County, Nebraska, from DONALD E. PRICE, of the following described real estate, to be used as Street Right-of-Way for Maple Street, to-wit:

A tract of land being part of Tract G of the Subdivision of the East One-Half of Section 6, Township 9 North, Range 21 West of the 6th P.M. , Dawson County, Nebraska, being more particularly described as follows:  
Beginning at the Southwest Corner of Block 8 of C.L. Ervin’s Subdivision to the City of Lexington; Thence Southerly and along the East Line of said Tract G, to the Northwest Corner of Lot 6 of Tract G of the Subdivision of the East One-Half of Section 6, Township 9 North, Range 21 West;

Thence Westerly to the Southeast Corner of Price's 2nd Addition to the City of Lexington; Thence Northerly and along the East Line of Price's 2nd Addition, to a point on the North Line of Maple Street extended westerly; Thence Easterly to the place of beginning.

is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter the said real estate shall be a Public Street, subject to the ordinances, rules and regulations of the City.

PASSED AND APPROVED August 28, 2007.

CITY OF LEXINGTON,  
NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**INDUSTRIAL REVENUE  
BONDS:**

Tydd Rohrbough, Cornhusker Energy Lexington, presented information on industrial development bonds that the company would like City assistance in order to issue as a financing mechanism for their pending plant expansion. He noted that such bonds are approved through procedures at the state level and would not be an obligation of the City, but the City would need to act as a conduit issuer per state statute. A portion of the project does qualify for this financing, and he stated that they would be making a formal request to the Council for an inducement resolution in the near future. He added that he would be available to answer any question the Council may have in the interim.

**FINANCIAL REPORT:**

Pepplitsch presented the financial report for July 2007. Following discussion, moved by Tomasek, seconded by Bennett, to accept the financial report as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**BUDGET WORK SESSION:**

Pepplitsch presented the proposed FY 2008 budget; highlighting changes from previous work sessions, and an overview new material. Following discussion, moved by Miller, seconded by Tomasek, that the proposed Fiscal Year 2008 budget be put into form for public hearing and have notice published for public hearing on September 11, 2007. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch reminded Council of a Planning Session scheduled for Saturday, September 8, 2007, at 8:00 a.m. to review the 2007 action plan and consider plans for 2008.

Burnside reported that the lettering on the Welcome Sign is now complete and the electricity and landscaping will be completed soon. He reported that the Park Improvement Committee is developing a long range capital plan for the parks. He also noted that security cameras have been installed in Memorial Park and others are being planned for the Madison Street Pedestrian crossing and other park areas. He and Weinhold are working on revising the street vendor codes.

**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