

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 11, 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 Mayor John Fagot, Steve Tomasek, John Salem, Joni Bennett, and Linda Miller. 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 Pamela Berke. The press was represented by the Lexington Clipper-Herald. Also present were Chris Riha of Viaero Wireless and Mr. and Mrs. Lyle McClellan, and Marilyn Sabin.

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 11-27-07 Minutes of the Regular meeting held Tuesday, November 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 \$1,679,646.85 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$480,194.38 from the General Fund, \$1,129,456.81 from LEXUS, \$10,000.00 from Sanitation, \$9,113.00 from Landfill, \$2,197.04 from Ambulance Fund, \$42,076.90 from Health Fund, and \$6,608.72 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 11, 2007

Alamar Uniform Co.	Uniform Expense	75.24
All-American Sewer LLC	SW Service	175.00
All Points Cooperative	Fuel/Propane	185.58
Alltel	Cellphone Service	180.65
Anderson Graphics	Library Service	17.50
Associated Supply Company, Inc.	Pool Supplies	38.70
Audio Editions	Books	51.15
Awards Plus	Fire Dept. Supplies	64.00
Axis Capital	Mail Machine Payment	527.37
B & D Office City	Office Supplies	139.06
Barnes Distribution	Central Garage Supplies	321.09

Boerkircher's Inc.	GGC Chairs	242.73
Booth, Kimberlee	Uniform Expense	12.00
Business Card	WWTP Supplies	415.74
Card Center/Orscheln	Supplies	299.03
Case Credit Advantage	WWTP Supplies	204.71
Cash-Wa Distributing	Food/Supplies	1,881.20
Central Garage Fund	Repairs/Service/Fuel	12,466.39
Coca Cola/Dr. Pepper of Kearney	Beverages	60.00
Culligan Water Conditioning Co.	Soft Water Supplies	154.41
Dan's Sanitation	Sanitation Fees	11,119.00
Davis Energy, Inc.	Fuel	4,840.97
Dawson County Register of Deeds	Filing Fees	50.00
Delight Donuts	Food	40.10
Delta Dental of Nebraska	Premium	1,148.20
Demco	Library Supplies	45.57
Depository Trust Co.	01GO Bnd Pmt/ 03 Util Bnd Pmt.	428,193.75
Dutton-Lainson Company	EL/ST Supplies	3,919.73
EDM Publishers, Inc.	Book	98.78
Eilers Machine & Welding	Fire Dept. Supplies	148.10
Electric Fixture	ST Supplies	33.19
Eustis Body Shop	Fire Dept. Repair	992.71
F & J Repair	Fire Dept. Service	147.17
Fagot Refrigeration & Electric	WWTP Supplies	17.94
Farmer Brothers Coffee	Food & Supplies	252.32
Flowers of Joy	Office Supplies	43.50
G-Man Feed And Seed	WR Supplies	220.42
Gale Group, The	Book	22.07
Grand Island Independent, The	Subscription	172.00
Hach Company	WWTP Supplies	37.75
HD Supply Waterworks	WR Supplies	1,762.24
Health Claims Fund	Claims	39,966.54
Hometown Leasing	Copier Payments	561.94
Husker Ag Sales	PK Supplies	293.08
International Assn of Electrical Inspectors	Book	8.00
Ingram Library Services	Books	55.16
Jim Phillips Const.	ST/WR Repair	5,764.00
Jones Plumbing & Heating	WR/WWTP Supplies	492.55
K & K Parts Co., Inc.	WR Supplies	93.06
KRVN - FM	Service Announcements	546.00
Kirkham Michael	Pro. Svc/Viaduct Study	3,150.00
Lexington Area Solid Waste Agency	Landfill	2,275.44
Lexington Glass Co.	PK Repair	127.04
Lexington Health Fund	Self-funding	31,231.87
Lexington Newspapers, Inc.	Publications	733.83
Lexington Postmaster	Postage	150.00
Lexington Rural Fire Dept.	Fire Truck	74,287.64
Lexington Truck & Auto	Central Garage Supplies	35.00
Lexington True Value	WWTP Supplies	44.98
Lexington, City of	Franchise/Service Fees	47,719.92
Lexington City Payroll Account		
Payroll	Wages	98,545.77
Social Security	EmplyrPtn/FICA Med	7,312.01
First National Bank	Emplyr Ptn/Pension	2,950.06
First National Bank	Police Pension	1,609.57
ICMA	City Manager Pension	413.07

Lien Lawn Service	Lawn Care	1,000.00
Linden's Plumbing	WR Line Replacement	186.20
Linweld	Fire Dept. Supplies	36.40
Matt Parrott And Sons Co.	Office Supplies	244.18
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	PK Supplies	23.58
Meritain Health	Premium	16,639.20
Mid-Nebraska Printing	Office Supplies	22.40
Mid-State Units	Rental	400.00
Milco Environmental Services, Inc.	WRAnalysis/Disposal Site	6,353.00
Miller & Associates	15th St Imp/CED/Spring Crk	20,198.92
Mr. Automotive	Central Garage Supplies	92.48
Municipal Supply	WR Supplies	1,877.55
Nebraska Economic Developers Assn.	Membership Dues	75.00
Nebraska Public Power District	O&M/Service	75,000.00
Nebraska Public Power District	Power Purchase	565,958.89
Nelson, Margie L.	Cleaning Service	500.00
Office Depot	Library Supplies	162.43
Overton Sand & Gravel	Gravel	325.12
Pace Analytical	Landfill Analysis	2,760.00
Paulsen, Inc.	Concrete	2,348.60
Peak Interest	Food	47.97
Pinnacle Agency, The	Premium	499.00
Platte Valley Auto Mart	CG Supplies/WWTP Svc	551.26
Platte Valley Communications	Repairs/Maint.	1,311.22
Plum Creek Auto Spa	Car Wash	13.00
Plum Creek Bank	Wesleyan Property Pmt.	42,268.44
Plum Creek Market Place	Food	59.45
Quill Corporation	Library Supplies	75.38
Rasmussen Mechanical Service Corp.	Library Repair	1,361.58
Roberts Dairy Company	Beverages	299.08
S & W Auto Parts, Inc.	ST/CG Supplies	250.25
Service Master Mid Nebraska	Cleaning Service	886.25
Summit Supply Corporation	PK Supplies	914.00
T. O. Haas Tire Co., Inc.	Tires	1,039.84
Thompson Co., The	Food & Supplies	948.57
TierOne-Lib. Petty Cash	Postage	31.28
Tnemec Company, Inc.	WWTP Supplies	1,438.90
Tri-County Hospital	Wellness/Amb Supplies	1,241.60
Utility Equipment	WR Supplies	101.95
Wal-Mart	Supplies	638.66
World Book, Inc.	Book	839.00
Zoll Data Systems	Fire Dept. Service	115.00
Awards Plus	Library Supplies	64.90
B & D Office City	Office Supplies	26.94
Baker, Jerry	Book	37.75
Bob's Auto Repair & Service	Police Dept./Repair	203.02
Card Center/Orscheln	Uniform Expense	79.98
Cash-Wa Distributing	Food & Supplies	384.56
Dan's Sanitation	Sanitation Fees	1,540.00
Davis Energy, Inc.	Fuel	2,515.87
Dawson County Public Power	Power Purchase	7,076.31
Electric Fixture	Library Supplies	10.97
EMS Billing Services, Inc.	Ambulance Service	1,062.25
Fisher Scientific	WWTP Supplies	537.67
FYR-TEK	Fire Dept. Supplies	191.59
Gonzalez-Sauced, Alfonso	Utility Refund	19.68

Great Plains One-Call Service	Locates	55.95
Haines-Wadkins LLC	Electric Rebate	1,025.00
Health Claims Fund	Claims	2,110.36
Huss, Kyle	Electric Rebate	300.00
Ingram Library Services	Books	67.33
Lexington Animal Clinic	Animal Care	1,252.30
Lexington Newspapers, Inc.	Publications	8.43
Linda's Stitches	Police Dept. Supplies	155.00
Loudon, Patricia	Electric Rebate	900.00
Midwest Fire Equipment & Repair Co., Inc.	Fire Dept. Supplies	88.20
Nebraska Amateur Softball Association	State Softball Bid Fees	410.00
Nebraska Department of Revenue	Sales & Use Tax	33,161.06
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,289.01
Nebraska Waste Handlers	Sludge Removal	5,956.80
Neopost	Postage	1,500.00
Overton Community Center	Meals On Wheels	100.00
Oxbow Construction	Scndry Digster/Demo	39,767.28
Plum Creek Market Place	Food	6.52
Random House, Inc.	Book	85.00
Rikli, Ed	Electric Rebate	1,025.00
Roberts Dairy Company	Beverages	88.69
SourceGas, Inc.	Gas Service	9,039.81
Sterling West	Playground Equipment	17,702.00
Telegraph	Subscription	137.75
Thompson Co., The	Food & Supplies	494.13
Thomson Healthcare	Book	59.95
TierOne-City Petty Cash	Postage/Food/Tstg Spls	83.44
TierOne-Lib. Petty Cash	Postage	21.60
Urban, Cory	Electric Rebate	1,025.00
Wal-Mart	Supplies	114.38
Western Engineering Company, Inc.	WWTP Supplies	352.83
Weyers, Jamie	Electric Rebate	1,025.00
Will Weinholt Trust Account	F. Tinoco Property	7,004.32
Wolf, Brandon	Electric Rebate	1,025.00
	TOTAL CLAIMS:	1,679,646.85

SPECIAL USE PERMIT:

Chris Riha, Viaero Wireless, appeared before the Council to provide additional information for the special use permit application to locate a communications tower at 1500 North Adams. After discussion, moved by Tomasek, seconded by Miller to deny the special use permit application at this location. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

RESOLUTION:

Resolution No. 07-37 was read by title. Following discussion, moved by Miller, seconded by Salem to approve Resolution No. 07-37 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

RESOLUTION NO. 07-37

WHEREAS, the City has by Ordinance No. 2241 approved the sale of the following described real estate owned by the City, to-wit:

A tract of land being the Southeast Quarter (SE ¼), part of the Northeast Quarter (NE ¼), part of the Northwest Quarter (NW ¼) and part of the Southwest Quarter (SW ¼) of Section Twenty (20), Township Eleven (11)

North, Range Twenty-One (21) West of the Sixth Principal Meridian, Dawson County, Nebraska, and more particularly described as follows: Beginning at the Northeast corner of said Section 20 and assuming the east line of said Northeast Quarter as bearing S 00°50'55" E and all bearings contained herein are relative thereto; thence S 00°50'55" E and on said east line a distance of 2621.71 feet to the Southeast corner of the Northeast Quarter, said point also being the Northeast corner of the Southeast Quarter; thence S 00°52'56" E and on the east line of said Southeast Quarter a distance of 2625.62 feet to the Southeast corner of said Section 20; thence N 89°07'18" W and on the south line of said Southeast Quarter a distance of 2614.9 feet to the Southwest corner of the Southeast Quarter, said point also being the Southeast corner of the Southwest Quarter; thence N 89°07'01" W and on the south line of said Southwest Quarter a distance of 851.63 feet; thence N 10°31'45" E a distance of 2566.2 feet to the line common to said Southwest Quarter and the Northwest Quarter; thence N 07°42'17" W a distance of 673.19 feet; thence N 00°00'30" W a distance of 626.09 feet; thence S 71°45'26" E a distance of 730.13 feet; thence N 02°50'16" W a distance of 1583.52 feet to the north line of said Northeast Quarter, said point being 213.04 feet east of the Northwest corner of said Northeast Quarter; thence N 89°25'04" E and on the north line of said Northeast Quarter a distance of 2393.35 feet to the place of beginning. Containing 350.12 acres, more or less.

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed. BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to LEXINGTON AREA SOLID WASTE AGENCY., the purchaser thereof.

PASSED AND APPROVED this 11th DAY OF DECEMBER, 2007.
CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PROJECT BIDS:

Pepplitsch reviewed the bids recently opened for the box culvert project. He recommended awarding the bid to L J Webb Contractor in the amount of \$142,027.71. Following discussion, moved by Tomasek, seconded by Bennett to award the bid for the Spring Creek Reinforced Concrete Box Culvert project to LJ Webb Contractor in the amount of \$142,027.71. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Councilmember Salem asked to be excused at this time.

PROJECT BIDS:

Pepplitsch reviewed the bids recently opened for the CED Addition sanitary sewer project. He recommended awarding the bid to Midlands Contracting. Following discussion, moved by Tomasek, seconded by Miller to award the bid for the 2008 Infrastructure Improvements – CED Addition project to Midlands Contracting in the amount of \$118,112.00. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Motion carried.

ORDINANCE:

An ordinance entitled "AN ORDINANCE APPOINTING CITY OFFICIALS: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read. Following discussion, moved by Miller, seconded by

Bennett, to suspend the rules regarding reading on three separate occasions. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

Ordinance No. 2244 was read by title. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2244 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

SANITATION FEES:

Pepplitsch reviewed a request by Dan's Sanitation for an increase in residential sanitation fees. Resolution No. 07-38 was read in its entirety. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 07-38. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 07-38

WHEREAS, Section 22-7 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

WHEREAS, an increase in operating expenses justifies an increase in existing rates.

BE IT THEREFORE RESOLVED, that effective January 1, 2008, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$12.95 per month, plus an administrative charge of \$0.50, for a total of \$13.45 per month.

BE IT FURTHER RESOLVED, that effective January 1, 2008, the charge for residential customers who are single and 65 years of age or older shall be \$10.95, plus administrative charge of \$0.50, for a total of \$11.45 per month.

PASSED AND APPROVED this 11th day of December, 2007.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ELECTRIC PROJECT:

Pepplitsch presented an electric system project to convert a portion of the system from 4.16kv to 13.8kv, at a cost of \$120,869.60. Following discussion, moved by Miller, seconded by Tomasek, to approve the Kugler ACB 106 Conversion project. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Motion carried.

APPOINTMENTS:

Mayor Fagot requested Council's approval of Appointments to the following Boards and Commissions:

Board of Adjustment – Deb Stuchlik

Planning Commission – Steve Smith, Ellie Vazquez

Tree Board – Marty Smith

Board of Health – Mayor, City Manager, Chief of Police, City Physician, and Environmental Health Officer

Pepplitsch requested Council's approval of the reappointments of Wes Lubberstedt to the Community Redevelopment Authority and Donna Soflin to the Civil Service Commission. Moved by Miller, seconded by Bennett, to approve appointments to the various boards and commissions as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch discussed cemetery expansion alternatives.

Burnside reported that a police officer position has been advertised.

Berke reported on dates for the Awards Banquet and the League of Nebraska Municipalities Mid-Winter Conference.

Fagot asked the Council to consider recommending names of individuals who may be interested in serving on any of the city's boards and commissions.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Pamela Berke
City Clerk

I, the undersigned 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.

Pamela Berke
City Clerk