

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 27, 2007, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 7:30 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 Pepplicht, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold and Deputy City Clerk Pam Berke. Other city officials attending were Barb Mills, Finance Director, and Bill Brecks. Citizens attending were Don Price, Bruce Raddatz of Tagge Engineering, and Dana Daniels of Miller & Associates. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of the Clipper-Herald.

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 02-07-07 Minutes of the Regular meeting held Tuesday, February 7, 2007, were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion Carried.

MINUTES – PLANNING SESSION 02-17-07 Minutes of the Planning Session held Saturday, February 17, 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 \$415,762.60 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$194,233.41 from the General Fund, \$8,209.17 from ED Reuse, \$136,029.72 from LEXUS, \$23,886.22 from Sanitation, \$2,713.51 from Ambulance Fund, \$43,606.42 from Health Fund, and \$7,084.15 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
February 27, 2007

AFLAC	Premiums	1,001.26
All-American Sewer & Drain Cleaning, LLC	GGC Service	175.00
All Points Cooperative	Fuel / Propane	222.32
Alltel	Cellphone Service	52.37
Attachments Direct, Inc.	Snow Blower	4,395.00
Barmore Drug Store, Inc.	GGC Supplies	89.82

Beringer Ciaccio Dennell Mabrey	GGC Architect	2,074.19
Bernt, James	Utility Refund	84.57
Bob's Auto Repair & Service	Repair	60.00
Burnside, Dennis	Conference / Seminars	161.50
Business Professional Credit Management	Collection Fees	857.19
Business Telecommunication Systems, Inc.	Telephone Service	375.00
Card Center/Orscheln	Supplies	658.15
Case Credit Advantage	Central Garage Supplies	310.81
Cash-Wa Distributing	Food & Supplies	1,202.83
Central Garage Fund	Maintenance / Repairs	7,394.23
City Directory, Inc.	Books	434.00
Community Service Center, Inc.	Bridge Funding	10,000.00
Conney Safety Products	Street Supplies	73.69
D & R Computing	Supplies	49.99
Davis Energy, Inc.	Fuel / Oil	4,890.69
Dawson County Handibus	Transportation	32.00
Dawson County Public Power	Power Purchase	4,931.98
Dell Marketing L P	Notebook Computers	12,854.23
Demco	Library Supplies	130.77
Dutton-Lainson Company	Electric Supplies	2,129.11
Eakes Office Plus	Supplies	40.36
Egan Supply Company	Supplies	38.19
Electric Fixture	Electric Supplies	719.29
EMS Billing Services, Inc.	Ambulance Fees	1,360.04
Farmer Brothers Coffee	Food & Supplies	173.50
Fifth Street Automotive	Service	20.25
Grayek, Monte	Education	90.00
Hall's Safety Equipment	Electric Supplies	459.90
HD Supply Waterworks	Water Supplies	530.49
Health Claims Fund	Claims	41,887.61
Hipp Wholesale Foods, Inc.	Food & Supplies	933.79
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Hunt Cleaners, Inc.	Gloves	128.64
Ingram Library Services	Books	572.50
Jones Plumbing & Heating	Central Garage Supplies	10.20
Kapco	Library Supplies	88.09
Kemps-Gillette	Beverages	168.07
Lawson Products, Inc.	Electric Supplies	245.91
Lexington Glass Co.	Central Garage Supplies	35.00
Lexington Newspapers, Inc.	Publications	820.54
Lexington True Value	Fire / Park Supplies	514.75
Lexington Utilities System	Utilities	27,665.59
Payroll	Wages	100,138.56
Social Security	Employer Portion / FICA Med	7,413.64
First National Bank	Employer Portion / Pension	3,422.03
First National Bank	Police Pension	1,306.63
ICMA	City Manager Pension	356.81
Lundeen-Isaacson, Inc.	Fire Pension Bond Renewal	100.00
Martin Electric	Electric Supplies	16.21
Matt Friend Truck Equipment	Central Garage Supplies	95.80
Mead Lumber	Supplies	145.41
Meridian Library System	Conference / Seminars	20.00
Michael Todd & Co., Inc.	Cemetery / Water Supplies	431.73
Mick's Platte Valley Glass	Electric Windshield	347.75
Midwest Laboratories, Inc.	WWTP Supplies	13.30
Miller & Associates	Retainer Service	800.00
Moore Medical Corp.	Ambulance Supplies	1,078.35

Mr. Automotive	Central Garage Supplies	148.36
Municipal Supply	Meter / Water Supplies	4,372.74
National Arbor Day Foundation	Membership Fee	15.00
Naumann, Sondra	Cleaning Service	114.00
Nebraska Dept. of Economic Development	Orthman's/Mid Plains CDBG Pymt	8,209.17
Nebraska Dept. of HHS Laboratory	Water Testing	980.00
Nebraska Forest Service	Conference / Seminars	90.00
Nebraska Library Association	Conference / Seminars	11.00
Nebraska Machinery	Central Garage Supplies	2,487.48
Nebraska Regional Library Systems	Conference / Seminars	20.00
Nebraska Safety Council	Membership Dues	315.00
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,548.73
Nelson, Tom A.	Safety Glasses	179.00
Neopost	Postage	1,500.00
Office Depot	Office Supplies	37.94
Ollis Book Corporation	Books	520.96
Olsson Associates	Professional Fees	4,685.87
Omaha World Herald	Subscription	189.28
Overton Community Center	Meals on Wheels	100.00
Paulsen Inc.	Concrete	612.58
Pepplitsch, Joe	Conference / Seminars	575.80
Platinum Plus For Business	Supplies / Conference / Seminars	334.02
Plum Creek Market Place	Food	17.91
Price's Tree Service	Tree Removal	8,800.00
Public Safety Center, Inc.	Fire Supplies	186.02
Reutlinger, Troy	Education	90.00
S & W Auto Parts, Inc.	Electric / Central Garage Supplies	1,498.32
Salem, John	Conference / Seminars	173.15
Service Master Mid Nebraska	Cleaning Service	896.89
Sheet Music	Subscription	53.00
Simmerman Electric	WWTP / Repair VFD Sludge Pump	1,769.65
Summit Supply Corporation	Park Benches	1,115.00
T. O. Haas Tire Co., Inc.	Repair	58.10
Tasc	Flex Plan	207.00
Third Party Environmental	Asbestos Inspection	362.00
Thomsen, Kathleen	Conference / Seminars	63.54
TierOne-Lib. Petty Cash	Postage	58.25
Tomasek, Steve	Conference / Seminars	174.60
U-Save Business Equipment	Office Supplies / Postage	246.20
Utility Equipment	Water Supplies	123.99
Wal-Mart	Supplies	623.43
Weathercraft Company	Fire Door Opener	1,115.00
Wolf, Tracy	Firearms Instructors Dues	10.00
Alltel	Cellphone Service	272.10
B & D Office City	Office Supplies	168.97
Card Center / Orscheln	Water Supplies	35.29
Cash-Wa Distributing	Library Supplies	83.10
Cummins Central Power	WWTP Maintenance Agreement	635.09
D & R Computing	Fire Dept. Supplies	349.98
Dan's Sanitation	Sanitation Fees	23,886.22
Davis Energy, Inc.	Fuel	4,714.40
Dawson Pest Control	GGC Service	27.00
Dutton-Lainson Company	Historical Lighting Project	12,436.00
Ecolab	WWTP Supplies	1,026.60
Electric Fixture	Supplies	18.08
Fagot, John	Conference / Seminars	173.15
Freedom Account FBO / LVFD	Fire Department Pension	16,500.00

Health Claims Fund	Claims	510.55
Ingram Library Services	Books	118.84
Komline-Sanderson	WWTP Supplies	1,007.30
League of Nebraska Municipalities	Midwinter Conference - Lincoln	2,140.00
Learning Connections, Inc.	Library Supplies	205.80
Lexington Area Solid Waste Agency	Landfill	374.10
Lexington, City of	Franchise / Service Fees	53,741.03
McCance, Mike	Electric Rebate	300.00
McCookNet Internet Service	Service	772.60
McDonald's	Snow Removal Meals	66.00
Mead Lumber	Supplies	10.46
Meyer-Century Labs	Street Supplies	511.21
Michael Todd & Co., Inc.	Street Supplies	655.22
Mid-Nebraska Printing	GGC Supplies	247.50
Platinum Plus For Business	Supplies / Conference	0.71
Plum Creek Auto Spa	Car Washes	24.00
S & W Auto Parts, Inc.	Street Supplies	69.98
TierOne-City Petty Cash	Postage / Food / GGC Supplies	67.83
TierOne-Lib. Petty Cash	Postage	5.91
U-Save Business Equipment	Supplies	44.66
Vasquez, Edwardo	Electric Rebate	1,025.00
Wal-Mart	Supplies	144.31
Wightman, Jeff	Electric Rebate	1,025.00
	Total:	415,762.60

SUBDIVISION:

Bruce Raddatz of Tagge Engineering, representing Don Price, presented Council with an overview of Prices' Second Addition. Council questioned Mr. Price regarding sidewalks and future paving districts. Staff was directed to work with Mr. Price to develop a street paving plan for the area. Following further discussion, Resolution No. 07-08 was read. Moved by Miller, seconded by Salem, to approve Resolution No. 07-08. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

RESOLUTION NO. 07-08

PRICE'S SECOND ADDITION – SUBDIVISION

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

The plat of PRICE'S SECOND ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, accepted, and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED February 27, 2007.

CITY OF LEXINGTON, NEBRASKA

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

SUBDIVISION AGMT:

Peplitsch gave an overview of the proposed subdivision agreement. A section addressing sidewalks will be added. Moved by Miller, seconded by Bennett, to approve Price's Second Addition Subdivision Agreement with revisions. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the public hearing regarding annexation of Price's Second Addition. Following discussion, the public hearing was closed. Resolution No. 07-09 was read. Moved by Tomasek, seconded by Salem, to approve Resolution No. 07-09. Roll call. Voting "aye" were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 07-09

PRICE'S SECOND ADDITION - ANNEXATION
BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF
LEXINGTON, NEBRASKA, AS FOLLOWS:

That PRICE'S SECOND ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED February 27, 2007.

CITY OF LEXINGTON, NEBRASKA

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

PUBLIC HEARING:

Mayor Fagot opened the public hearing regarding a rezoning application by Don Price for Block 3, Price's Second Addition from A-1 Agricultural to R-4 Residential. Following discussion, the public hearing was closed.

ORDINANCE:

An ordinance entitled "AN ORDINANCE TO REZONE BLOCK 3 OF PRICE'S SECOND ADDITION TO THE CITY OF LEXINGTON, FROM A-1 AGRICULTURAL TO R-4 MOBILE HOME 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. Following discussion, moved by Bennett, seconded by Salem, to approve ordinance on first reading. Roll call. Voting "aye" were Miller, Tomasek, Salem, Bennett, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the public hearing regarding a special use permit request from Don Price for mobile home park on Block 3 Price's Second Addition. Burnside reviewed exceptions to Chapter 25 of City Code in regards to mobile home parks in the special use agreement. Following discussion, the public hearing was closed. Following discussion, moved by Tomasek, seconded by Miller, to approve the special use permit and special use permit agreement contingent on passage of rezoning ordinance on final reading. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

SUBDIVISION:

Peplitsch reviewed final plat of Kelly Field Addition. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 07-10. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 07-10

KELLY FIELD ADDITION – SUBDIVISION

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

The plat of KELLY FIELD ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, accepted, and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED February 27, 2007.

CITY OF LEXINGTON, NEBRASKA

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

PUBLIC HEARING:

Mayor Fagot opened the public hearing regarding annexation of the Kelly Field Addition. Peplitsch reported that there are no adverse impacts on any public services by annexing this area. Following discussion, the public hearing was closed. Resolution 07-11 was read. Moved by Tomasek, seconded by Bennett, to approve Resolution 07-11. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 07-11

KELLY FIELD ADDITION - ANNEXATION

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

That KELLY FIELD ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED February 27, 2007.

CITY OF LEXINGTON, NEBRASKA

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

PUBLIC HEARING:

Mayor Fagot opened the public hearing regarding a blight and substandard determination study for Redevelopment Area #5. Peplitsch reviewed the study completed by Hanna:Keelan. Following discussion, the public hearing was closed. Resolution No. 07-12 was read by title. Moved by Salem, seconded by Tomasek, to approve Resolution No. 07-12. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 07-12

A RESOLUTION FOR THE CITY OF LEXINGTON, NEBRASKA, MAKING A DETERMINATION OF A BLIGHTED AND SUBSTANDARD AREA IN THE CITY PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance passed and approved, created the Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority") pursuant to Sections 18-2101 through 18-2153, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, the City has received the recommendation of the Lexington Planning Commission after review pursuant to Section 18-2109 of the Act; and

WHEREAS, the Notice of Public Hearing has been published two (2) consecutive weeks in the legal newspaper for the City, the second publication being at least ten (10) days prior to the Public Hearing held February 27, 2007 before the Lexington City Council, and copies of said notice have been sent by first class mail to the president or chairperson of the governing body of Dawson County, Dawson County School District #1, Central Community College, Educational Service Unit #13, and the Central Platte Natural Resources District; and

WHEREAS, after public hearing, it is hereby determined that the area described in "Exhibit A" as attached is substandard and blighted as defined by Section 18-2103 of the Act, and is in need of redevelopment.

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

1. RESOLVED, that the area described in "Exhibit A" as attached, is hereby found and declared to be a blighted and substandard area as defined by Section 18-2103, R.R.S. 1943, subsections (10) and (11), in that said area meets the criteria described in subsection (10) and meets one or more of the factors set forth in (i) through (iv) of subsection (11)(b) and that said area is in need of redevelopment.
2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is found to be a public purpose and in the public interest.
3. That it is hereby found and determined that said area is an eligible site for a redevelopment project under the provisions of Chapter 18, Article 21, Nebraska Revised Statutes of 1943 as amended.
4. That any Resolution passed and approved prior to the passage, approval and publication of the Resolution which is in conflict with the terms and provisions of this Resolution is hereby repealed. This Resolution shall take effect and be in full force and effect from and after its passage, approval and publication as required by law. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution shall not affect the validity or effectiveness of the remainder of this Resolution.

PASSED AND APPROVED, this 27th day of February, 2007.

CITY OF LEXINGTON, NEBRASKA

SIGNED: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ONE & SIX YEAR PLAN:

Mayor Fagot opened the public hearing. Dana Daniels presented the One and Six Year Street Improvement Plan. Following discussion, the public hearing was closed. Resolution 07-13 was read. Weinhold noted that the resolution should read "City Council of Lexington, Nebraska". Moved by Salem, seconded by Miller, to approve Resolution 07-13 with corrections. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION OF ADOPTION 07-13

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

Date: February 27, 2007

Signed: John Fagot, Mayor

Attest: Pamela Berke, Deputy City Clerk

PAY REQUEST:

Pepplitsch requested Council approval of Pay Request #4 for Grand Generation Center Renovation to Paulsen, Inc. Following update of project, moved by Tomasek, seconded by Miller, to approve payment of Pay Request #4 to Paulsen Inc. in the amount of \$67,158.00. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

FINANCIAL REPORT:

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

ROUNDTABLE:

Pepplitsch reported on potential FEMA reimbursements dealing with winter storm cleanup. He reported a letter of support regarding the Recreational Liability Act (LB 564) has been sent to Senator John Wightman for consideration. He reported that a draft letter to LASWA would soon be available for Council review and that Lexington was not re-elected to the executive committee.

Fagot reported that he has visited with Jerry Bergstrom regarding the Multi-Cultural Commission and Bergstrom will compile a list of possible candidates to sit on the board.

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