

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 12, 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, John Salem and Joni Bennett. Member Linda Miller was absent. 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 Finance Director Barb Mills, LVFD Secretary Dale Holbein and City Engineer Dana Daniels. 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 5-22-07 Minutes of the Regular meeting held Tuesday, May 22, 2007, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Tomasek, Fagot. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,535,366.04 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 \$497,090.67 from the General Fund, \$127,164.56 from TIF, \$8,209.17 from ED Reuse, \$11,719.15 from Housing Reuse, \$857,963.73 from LEXUS, \$10,000.00 from Sanitation, \$4,066.39 from Ambulance Fund, \$1,335.00 from Library Memorial, \$8,578.63 from Health Fund, and \$9,238.74 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
June 12, 2007

Alamar Uniform Co.	Uniform Expense	75.19
All Points Cooperative	PK/Police/Central Garage Supplies	580.17
Alltel	Cellphone Service	214.62
Anderson Graphics	Library Supplies	35.00
Arnold Pool Company	Pool Supplies	32.62
Arrow Seed Company, Inc.	PK/Rec Supplies	525.00
Associated Supply Company, Inc.	Pool Supplies	5,938.35
Automotive Sales / Service Co Inc	Central Garage Supplies	1,566.99
Axis Capital	Mail Machine Payment	527.37
B & D Office City	ST/EL Supplies	88.29

Boerkircher's Inc.	GGC Furniture	9,495.00
Business Professional Credit Mgmt	Collection Fees	685.34
Card Center/Orscheln	Supplies	171.15
Case Credit Advantage	Central Garage Supplies	493.03
Case, Tucker	Lawn Care	60.00
Cash-Wa Distributing	Food & Supplies	6,975.29
CDH Electric, Inc.	GGC Service	174.72
Central Garage Fund	Repairs/Service/Fuel	24,583.29
Certified Laboratories	Central Garage Supplies	169.02
Coca Cola/Dr. Pepper of Kearney	Beverages	880.00
Corporate Benefit Svcs of America	Premium	15,326.88
Culligan Water Conditioning Co.	Soft Water Supplies	202.02
Dan's Sanitation	Sanitation Fees	11,153.60
Davis Energy, Inc.	Fuel/Supplies	4,936.22
Dawson County Court	Court Fees	44.00
Dawson County Red Cross	Lifeguard Training	467.88
Dawson County Register of Deeds	Filing Fees	55.50
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,015.55
Depository Trust Co.	01 GO Bond/ 03 Combined Utl Bond Pmt	260,522.50
Designer Craft Woodworking	Library Supplies	1,335.00
Diamond Vogel Paint	Pool Supplies	71.13
Downey Drilling, Inc.	WWTP Supplies	48.65
Dugan Business Forms	Office Supplies	203.88
EDM Equipment Company	Central Garage Supplies	1,207.01
Electric Fixture	EL/PK Supplies	835.86
Electronic Systems	GGC Service	35.00
EMS Billing Services, Inc.	Ambulance Service	1,451.47
Epperly, Dick	WR Supplies	127.17
Fagot Refrigeration & Electric	Service/Repair	1,134.04
Farmer Brothers Coffee	Food & Supplies	146.47
Fastenal	WWTP Supplies	46.23
Fifth Street Automotive	Vehicle Repair	121.28
Fox Bros. Hay Co., Inc.	Tree Grinding	3,750.63
Fyr-Tek	Fire Dept. Supplies	650.00
G & V Inc.	Housing Demolition/Madison	4,000.00
Gale Group, The	Book	22.07
Gall's Inc.	Police Dept. Supplies	52.45
Gengenbach, Kevin	Rental	165.00
Gnirk Lawn Care, Inc.	Lawn Care	75.00
Great Plains One-Call Service	Locates	73.37
HD Supply Waterworks	WR Supplies	136.02
Health Claims Fund	Claims	7,381.17
Holiday Inn	Fire School Expense	3,673.70
Hometown Leasing	Copier Payments	603.83
Husker Ag Sales	ST/Central Garage Supplies	565.04
Hydro Metering Technology, Inc.	WR Meter	2,302.98
Ingram Library Services	Books	1,024.80
International Municipal Lawyers	Membership Dues	480.00
J & L Mowing	Lawn Care	50.00
Johnson Controls	Library Equipment Repair	455.50
Jones Plumbing & Heating	WR/SW/Pool Supplies/Repairs	3,003.87
Kemps-Gillette	Beverages	220.13
Kinder Morgan	Gas Service	11,546.08
Kratzer Electric, Inc.	PK Supplies	470.00
Laurie Carlson & Associates	Central Garage Supplies	14.50
League of Nebraska Municipalities	Membership Dues	530.00

Lex Area Chamber of Commerce	2007 Dues Increase	1,000.00
Lex Area Solid Waste Agency	Landfill	2,075.22
Lexington Glass Co.	PK Supplies	44.15
Lexington Health Fund	Self-funding	28,078.47
Lexington Newspapers, Inc.	Publications	306.51
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto	Central Garage Supplies	1,275.00
Lexington True Value	Supplies	46.59
Lexington Volunteer Fire Dept.	Fire Dept. School/Training	5,310.95
Lexington, City of	Franchise/Service Fees	46,186.93
Payroll	Wages	91,615.57
Social Security	Employer Portion/FICA Med	6,778.66
First National Bank	Employer Portion/Pension	2,876.72
First National Bank	Police Pension	1,370.50
ICMA	City Manager Pension	373.08
Payroll	Wages	101,733.94
Social Security	Employer Portion/FICA Med	7,552.84
First National Bank	Employer Portion/Pension	3,004.10
First National Bank	Police Pension	1,473.74
ICMA	City Manager Pension	373.08
Linden's Plumbing	Repair	119.56
Linweld	Ambulance Supplies	37.48
Mac's Short Stop	Food	316.92
Matt Parrott And Sons Co.	Office Supplies	100.51
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	EL/WR/PK/Rec Supplies	884.87
Meridian Library System	Conference/Seminars	15.00
Mid-Nebraska Food Bank	Food	34.89
Mid-Nebraska Printing	Office Supplies/Copies	278.70
Midwest Striping, Inc.	Striping Streets	2,875.00
Miller & Associates	Retainer Service/Copies	930.56
Misko Sporting Goods	PK Supplies	343.84
Misko Sports	Rec Supplies	267.20
Moore Wallace	Police Supplies	550.57
Mr. Automotive	Fire Dept. Supplies	8.47
Municipal Supply	EL Supplies	808.92
National Fire Protection Assn	Membership Dues	150.00
NE Dept Economic Development	Mid Plains/Orthman's CDBG Pymt	8,209.17
Nebraska Machinery	Central Garage Supplies	104.92
Nebraska Public Power District	Service/Power Purchase	596,902.54
Nebraska Transport	Freight	565.64
Nebraska Truck & Equipment Co.	Fire Dept. Supplies	17.32
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Omnigraphics, Inc.	Book	159.43
Overton Sand & Gravel	Gravel	258.04
Paulsen, Inc.	Concrete	325.28
Peak Interest	Food	98.80
Platte Valley Auto Mart	Vehicle Repair	150.14
Platte Valley Communications	Repairs/Maint./Supplies	3,004.34
Plum Creek Cleaners	Supplies	285.00
Plum Creek Market Place	Food	18.78
Plum Creek Motors	Central Garage Supplies	20.25
Plum Creek Promotions	Rec Supplies	431.29
Price's Tree Service	Tree Removal	250.00
QPR (United States)	ST Supplies	503.74
Quinn, Jeff	Magic Show/Library	475.00

RSC Equipment Rental	Central Garage Supplies	42.46
Recorded Books	Books	532.20
S & W Auto Parts, Inc.	Central Garage Supplies	1,632.92
Scholastic Library Publishing	Book	279.00
Schwan's Sales Ent	Food	68.94
Service Master Mid Nebraska	Cleaning Service	857.50
Sterling West	PK Supplies	672.80
Steve's Lock & Key	Keys	2.89
T. O. Haas Tire Co., Inc.	Tires/Repair	314.85
Tasc	Premium	222.00
Taste of Home Books	Books	28.98
Third Party Environmental, Inc.	Asbestos Removal	2,800.00
TierOne-Lib. Petty Cash	Postage/Supplies	83.21
Total Lawn Care	Lawn Care	2,550.00
Tri-County Hospital	Wellness/Supplies	313.00
U-Save Business Equipment	Office Supplies	252.96
Univar USA, Inc.	Ferric Chloride/Hydrochloric Acid	7,948.12
Upstart	Library Supplies	18.00
Wal-Mart	Supplies	1,541.11
Wall Street Journal, The	Subscription	249.00
Ward Laboratories	Water Tests	180.00
Water Safety Products, Inc.	Aquatic Center Supplies	163.40
Weekly Bulletin, The	Subscription	170.00
Westech	WWTP Supplies	667.14
Willard Weinhold Law Office	Fees	2,826.00
AFLAC	Premium	975.46
Alltel	Cellphone Service	52.21
Arlan Ackerman	OOR Housing	11,719.15
Business Week	Subscription	59.97
Cash-Wa Distributing	Food	232.46
Community Redevelopment Auth	Cornhusker Energy-TIF/WWTP	122,606.88
Corzo, Irma	Electric Rebate	1,025.00
Dawson County Public Power	Power Purchase	5,375.25
Dawson Tire Service & Sales	Central Garage Supplies	165.75
Financial Accounting Foundation-GASB	Municipal Dues	100.00
Hastings, Peg	Travel Expense	21.34
Lexington Animal Clinic	Animal Care	1,173.10
Lien Lawn Service	Lawn Care	1,556.98
Luther, Ann	Travel Expense	85.36
Mid-Nebraska Printing	Office Supplies	847.23
Municipal Emergency Services	Fire Dept. Supplies	1,179.44
Nebraska Department of Revenue	Sales & Use Tax	31,551.00
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,397.82
Nebraska Truck & Equipment	TIF	4,557.68
Nebraska Waste Handlers	Sludge Removal	4,715.80
Newsweek	Subscription	23.00
Perez, Gerardo	Electric Rebate	600.00
Plum Creek Promotions	Rec Supplies	2,154.16
Reliable Office Supply	Library Supplies	61.18
Roberts Dairy Company	Beverages	116.63
Sign Pro	Rec Supplies	89.00
Sterling West	PK Supplies	155.10
TierOne-City Petty Cash	Postage/Food/Testing Supplies	45.97
TierOne-Library Petty Cash	Office Supplies	8.50
	TOTAL CLAIMS:	1,535,366.04

**PUBLIC HEARING
& ORDINANCE:**

Mayor Fagot opened a public hearing to consider a zoning application to change the zoning in the CED Addition from A-2 to R-2. Peplitsch gave a review of the zoning issues within the area and plans for the addition. The public hearing was closed. Following discussion, an ordinance entitled "AN ORDINANCE TO REZONE CED ADDITION, FROM A-2 URBAN RESERVE TO R-2 TWO FAMILY RESIDENTIAL 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. Motion by Salem, seconded by Tomasek, to pass ordinance on first reading. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Fagot. Motion carried.

**PUBLIC HEARING
& RESOLUTION:**

Mayor Fagot opened a public hearing to consider the annexation of the CED Addition. Following comments, the Public Hearing was closed. Resolution 07-19 was read. Motion by Tomasek, seconded by Bennett, to adopt Resolution 07-19. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**RESOLUTION NO. 07-19
CED ADDITION**

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

That CED ADDITION, to the City of Lexington, 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 JUNE 12, 2007.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

FIRE HALL PLAN:

Peplitsch presented a schematic of the proposed Rural Fire Hall expansion project. He explained that the new building will be similar to the current building and will be used to house vehicles and equipment. He noted that this project will be constructed by the Rural Fire District under a previously approved interlocal agreement. The City will be liable for 2/3 of the project cost. He reviewed estimated costs and the construction schedule. Following discussion, motion by Tomasek, seconded by Salem, to approve the plan for Rural Fire Hall expansion project. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Fagot. Motion carried.

**INTERLOCAL AGREEMENT
RURAL VIADUCT STUDY:**

The Council considered an Interlocal agreement with Dawson County for a rural viaduct study. Peplitsch explained that the at-grade intersection to study was County Road 435 and UPRR, which is a County roadway. The County will participate in the study process and the City will provide the required funding. Following discussion, motion by Salem, seconded by Tomasek, to approve the Interlocal Agreement between the City of Lexington and Dawson County for a Rural Viaduct Study. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Fagot. Motion carried.

PEDESTRIAN BIKE TRAIL:

Dana Daniels presented an overview of the Pedestrian Hike/Bike Trail project which is currently under review by NDOR. Following presentation, motion by Tomasek, seconded by Bennett, to approve plans and specifications and authorize the City Manager to advertise for bids, contingent on approval by NDOR. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**CITY CODE AMENDMENT
CHAPTER 5 – ANIMALS**

Pepplitsch reviewed the ordinance to amended section of Chapter 5 of the Lexington City Code related to animals and fowl. This would be the second reading of the ordinance. Following discussion, an ordinance entitled "**AN ORDINANCE TO AMEND CHAPTER 5 OF THE LEXINGTON CITY CODE; TO REPEAL OBSOLETE SECTIONS AND TO RENUMBER THE REMAINING SECTIONS; TO REPEAL ORIGINAL CHAPTER 5 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. Motion by Tomasek, seconded by Salem, to suspend the rules requiring the reading of the ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Fagot. Motion carried.

An ordinance entitled "**AN ORDINANCE TO AMEND CHAPTER 5 OF THE LEXINGTON CITY CODE; TO REPEAL OBSOLETE SECTIONS AND TO RENUMBER THE REMAINING SECTIONS; TO REPEAL ORIGINAL CHAPTER 5 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. Motion by Salem, seconded by Bennett, to approve Ordinance No. 2232 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Fagot. Motion carried.

**CITIZENS ADVISORY
REVIEW BOARD REPORT:**

Mayor Fagot opened the public hearing for the Citizens Advisory Review Board which reviews the economic development program funded by sales tax revenue. Pepplitsch noted the Advisory board had no findings or recommendations at this time and then reviewed the revenues and expenses of the program. He stated that the program is set for sunset in April 2010 and that the Council may want to discuss taking the issue to the voters in a special election for renewal. Mayor Fagot closed the public hearing. Following discussion, moved by Tomasek, second by Bennett, to accept the Citizen Advisory Review Board report. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Fagot. Motion carried.

**WEST CENTRAL AREA
AGENCY ON AGING:**

Pepplitsch presented Council with Operating Contracts for the Grand Generation Center Meals and Operations for Fiscal Year 2008. He explained that current reimbursement for the meal program will be the same as in fiscal year 2007. Following discussion, moved by Bennett, seconded by Tomasek, to authorize executions of documents to enter into contract with West Central Area Agency on Aging for Fiscal Year 2008. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch updated Council on several City projects, including Memorial Park Shelter, Welcome Sign, and Downtown Historical Lighting projects. He noted that a budget workshop on the General Fund will be included as an agenda item at the next council meeting.

Burnside reported that he is working on membership on the Multi-Cultural Commission and recently met with the Hispanic Chamber of Commerce.

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