

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 22, 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, Joni Bennett, and John Salem. Council Member Linda Miller arrived at 6 pm. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Deputy City Clerk Pam Berke, Finance Director Barb Mills, and Police Chief Charlie Clark. 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 Vice President 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 5-8-07 Minutes of the Regular meeting held Tuesday, May 8, 2007, were presented for Council approval. Moved by Bennet, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Tomasek. Motion Carried.

MINUTES – PLANNING SESSION 5-12-07 Minutes of the Planning Session held Saturday, May 12, 2007, were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$284,990.96 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 \$122,590.38 from the General Fund, \$2,974.85 from Housing Reuse, \$97,694.98 from LEXUS, \$23,945.43 from Sanitation, \$170.00 from Landfill, \$18,770.62 from Ambulance Fund, \$8,788.69 from Health Fund, and \$10,056.01 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Tomasek. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 22, 2007**

AFLAC	Premium	991.36
Alloy Specialty, Inc.	OOR Housing	425.00
All Points Cooperative	Propane	20.00
Alltel	Cellphone Service	52.21
ArcMate Manufacturing	Park Supplies	120.15
Arlan Ackerman Construction	OOR Housing	2,549.85

Axis Capital, Inc.	Mail Machine Payment	527.37
B&D Office City	Office Supplies	23.58
Barmore Drug Store, Inc.	Library Supplies	9.99
Better Containers Mfg. Co., Inc.	Library Supplies	112.82
Blue Cross Blue Shield	Ambulance Refund	114.46
Bottom Line Personal	Subscription	39.00
Buysm Sod	Grass Sod	240.00
Card Center/Orscheln	Supplies	125.39
Cash-Wa Distributing	Food & Supplies	3,671.96
City of Scottsbluff	Storm Water Management Supplies	161.64
D & R Computing	Office Supplies	49.99
Davis Energy, Inc.	Fuel & Oil	5,367.95
Dawson County Handibus	Transportation	20.00
Dawson County Sheriff	Lex PD Advertising	39.36
Dia-Nielsen	WWTP Supplies	67.76
Diebold	Drive-Thru Audio Repair	619.73
Dutton-Lainson Company	EL Supplies	735.77
EMS Billing Service, Inc.	Ambulance Service	1,992.77
Electronic Systems	Fire Alarm Inspection	40.00
Eustis Body Shop	Vehicle Repair	166.80
Fagot Refrigeration & Electric	WWTP/GGC Service & Repair	1,620.70
Farmer Brothers Coffee	Food & Supplies	226.89
Fastenal	WWTP Supplies	21.96
Fyr-Tek	Fire Dept. Supplies	893.84
G & V Inc.	Haul Tree Grindings	5,160.00
Gale Group, The	Books	324.14
Galls Inc.	Uniform Expense	52.46
Gnirk Lawn Care, Inc.	Pool Lawn Care	813.75
Health Claims Fund	Claims	7,076.57
Hipp Wholesale Foods, Inc.	Food & Supplies	999.60
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Home Federal Savings	Ambulance Payment	16,157.57
Husker Ag Sales	Central Garage Supplies	306.95
Ingram Library Services	Books	52.15
Intellicom Computer Consulting, Inc.	GGC Telephone System	3,416.68
Kapco	Library Supplies	54.99
Kemps-Gillette	Beverages	409.69
Lexington Area Solid Waste Agency	Landfill	79.56
Lexington Glass Co.	WR Supplies	21.40
Lexington Newspapers, Inc.	Publications	881.05
Lexington Optimists	Membership Dues	60.00
Lexington Recreation Program	Pool/Rec Start-up/Umpire Fees	3,980.00
Lexington True Value	Supplies	4.89
Payroll	Wages	94,057.81
Social Security	Employer Portion / FICA Med	6,963.95
First National Bank	Employer Portion / Pension	3,107.47
First National Bank	Police Pension	1,447.07
ICMA	City Manager Pension	373.08
Lien Lawn Services	Lawn Care	800.00
McCookNet Internet Services	Service	139.00
Mead Lumber & Rental-Lexington	Lib./ST/WR Supplies	229.40
Medicare	Ambulance Refund	279.69
Memphis Net & Twine Co., Inc.	Ball Park Supplies	809.73
Moore Wallace	Police Supplies	56.47
Municipal Supply	WR/WWTP Supplies	822.53
Naumann, Sondra	Cleaning Service	72.00
Nebraska Machinery	WR Equipment Rental	1,926.00

Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,344.11
Nebraska Waste Handlers	Sludge Removal	3,598.90
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete/Gravel	632.12
Platte Valley Communications	Phone	160.50
Plum Creek Market Place	Food	68.28
Plum Creek Cleaners	Supplies	298.50
R C Booth Enterprises	Book	28.00
Rodale, Inc.	Book	36.94
S&K Pumps, LLC	Well Repair	274.00
Service Master Mid Nebraska	Lib./GGC Cleaning Service	2,027.50
Sign Pro	Park Supplies	31.50
Subway Sandwiches & Salads	Food	41.87
T. O. Haas Tire Co., Inc.	Tires	166.92
Taste of Home Books	Book	28.98
Team Detail & Quicklube	Car Washes	21.99
TierOne-Lib. Petty Cash	Postage	31.48
U-Save Business Equipment	Office Supplies	81.12
Wal-Mart	Supplies	426.56
Ward Laboratories	Lab Tests	12.00
Wesco Distribution, Inc.	Cemetery/EL Supplies	521.56
All Points Cooperative	Fuel	182.92
Alltel	Cellphone Service	367.47
B & D Office City	Lib./ST/Police Supplies	351.76
Berke, Ted	Lawn Care	60.00
Business Card	Police/Council Chambers Supplies	143.04
Card Center/Orscheln	Supplies	129.99
Cash-Wa Distributing	Food & Supplies	2,791.97
Coca Cola/Dr. Pepper of Kearney	Beverages	1,664.00
Conney Safety Products	ST/GGC Supplies	263.74
Dan's Sanitation	Sanitation Fees	23,945.43
Dawson County Court	Court Fees	20.00
Demco	Lib. Resensitizer/Supplies	1,165.51
Farmer Brothers Coffee	Food	62.64
Flowers of Joy	Office Expense	40.00
Haines, Derek	Electric Rebate	1,025.00
Health Claims Fund	Claims	720.76
League of Nebraska Municipalities	Conference	353.00
Kemps-Gillette	Beverages	53.27
Lexington Newspapers	Publication	188.24
Lexington, City of	Franchise / Service Fees	45,097.89
Lexington Utilities System	Utilities	19,001.52
Mac's Short Stop	Food	25.44
Matt Parrott And Sons, Co.	Envelopes	417.92
Nebraska Dept. of HHS Laboratory	Water Testing	1,178.00
Nebraska Regional Library Systems	Conference	150.00
Osborne, Cyndi	Lawn Care	130.00
Rinker Materials	EL Supplies	586.96
S & W Auto Parts, Inc.	Aquatic Center Supplies	79.95
TierOne-City Petty Cash	Postage / Food	17.50
TierOne-Lib. Petty Cash	Postage	11.17
Tornel, Gustavo	Electric Rebate	1,025.00
U-Save Business Equipment	Lib. Supplies	155.99
Wal-Mart	Supplies	206.10
Ward Laboratories	Water Test	24.00
Water Safety Products, Inc.	Aquatic Center Supplies	588.00
	TOTAL CLAIMS:	284,990.96

ORDINANCE: As Councilmember Miller was not in attendance at the time for discussion on amendments to Chapter 19 of the Lexington City Code, members decided to wait until she arrived for possible comments on this item.

ORDINANCE: Peplitsch presented a draft ordinance amending Chapter 5 of the Lexington City Code regarding animals and fowl. 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. Motion by Salem, seconded by Miller to pass read Ordinance on first reading. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek. Motion carried.

ORDINANCE: An ordinance entitled **“AN ORDINANCE TO AMEND CHAPTER 19 OF THE LEXINGTON CITY CODE; TO REPEAL OBSOLETE SECTIONS AND TO RENUMBER THE REMAINING SECTIONS; TO REPEAL ORIGINAL CHAPTER 19 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. Following discussion, moved by Salem, seconded by Bennett, to suspend rules regarding reading of the Ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek. Motion carried.

Ordinance No. 2231 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2231 on final reading. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek. Motion carried.

PROBATIONARY MEMBERS OF LVFD 2007: A roster of probationary members of the Lexington Volunteer Fire Department was presented to Council for approval. Probationary members include Bill Brecks, Tucker Case, Seth McFarland, Troy Moore, and Nick Reynolds. Motion by Bennett, seconded by Miller, to approval of Lexington Volunteer Fire Dept Probationary Member Roster. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek. Motion carried.

RESOLUTION: Peplitsch requested Council approval of a resolution authorizing the City Manager to execute documents related to the Farm Program. Resolution No. 07-18 was read. Following discussion, moved by Miller, seconded by Salem, to approve Resolution No. 07-18. Roll call. Voting “aye” were Bennett, Salem, Miller, Tomasek. Motion carried.

RESOLUTION NO. 07-18

WHEREAS, the City of Lexington, a Nebraska municipal corporation, as the owner of real estate, will participate in programs administered by the United States Department of Agriculture or the Farm Service Agency.

BE IT THEREFORE RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, as follows:

Sec. I That the City Manager, Joe Peplitsch, be and hereby is authorized on behalf of the City of Lexington, Nebraska, to sign all documents relating to

farm programs administered by the United States Department of Agriculture or the Farm Service Agency.

Sec. II. BE IT FURTHER RESOLVED, that the power and authority granted in this Resolution shall continue in full force and effect until notice in writing is given to the United States Department of Agriculture or the Farm Service Agency of the cancellation or modification hereof.

PASSED AND APPROVED this 22nd day of May, 2007.

CITY OF LEXINGTON, NEBRASKA
John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

PAY REQUEST:

Pepplitsch requested approval of Pay Request #7 from Paulsen, Inc. for the Grand Generation Center Renovation project. Following an update of the project, moved by Miller, seconded by Bennett, to approve Pay Request #7 from Paulsen, Inc. in the amount of \$23,919.89. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek. Motion carried.

FINANCIAL REPORT:

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

ROUNDTABLE:

Mills updated Council on the sales tax revenues for this fiscal year.

Pepplitsch updated the Council on various projects.

Bennett complimented Pepplitsch on his comments during the forum regarding immigration reform with Senator Chuck Hagel.

Miller noted that she will not be attending the June 12, 2007, meeting.

ADJOURNMENT:

There being no further business to come before the Council, Vice President Tomasek declared the meeting adjourned.

Steve Tomasek
Vice President of Council

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