

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 8, 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, and Linda Miller. Members Joni Bennett and John Salem were 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 Police Chief Charlie Clark and Finance Director Barb Mills. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of the Clipper-Herald. Concerned citizens were also in attendance.

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 4-24-07 Minutes of the Regular meeting held Tuesday, April 24, 2007, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Tomasek, Fagot. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,259,192.08 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$319,439.08 from the General Fund, \$138,860.73 from Econ Develop, \$2,547.33 from TIF, \$4,166.67 from ED Reuse, \$1,423.40 from Housing Reuse, \$763,112.81 from LEXUS, \$10,000.00 from Sanitation, \$210.51 from Ambulance Fund, \$530.97 from Library Memorial, \$14,021.09 from Health Fund, and \$4,879.49 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 8, 2007

Accucut Systems	Library Supplies	5.85
Arlan Ackerman Construction	Rec. Building Repair	275.00
All Points Cooperative	Fuel/Soil Tests	192.31
All-American Sewer LLC	GGC Repair/Clean Storm Sewer	330.00
Alltel	Cellphone Service	107.00
B&D Office City	Office Supplies	62.37
Barnes Distribution	WR Supplies	322.60
Bernie & Pat's	GGC Supplies	243.13
Brown Traffic Products	EL Supplies	192.54

Business Card	Office Supplies	240.75
Card Center/Orscheln	Supplies	48.35
Case Credit Advantage	ST/WWTP Supplies	203.13
Cash-Wa Distributing	Supplies	9.75
CDH Electric, Inc.	GGC EL Service	1,168.80
Central Fire & Safety, Inc.	GGC Fire Extinguishers	177.50
Central Garage Fund	Fuel / Repairs	9,878.92
Coca Cola/Dr. Pepper of Kearney	Beverages	40.00
Collegiate Pacific	Park Supplies	185.57
Comfort Inn	Conference/Seminars	55.76
Community Redevelopment Authority	TIF/Lexington Investors	2,547.33
Corporate Benefit Services of America	Premium	18,418.86
Culligan Water Conditioning Co.	Soft Water Supplies	223.27
Dan's Sanitation	Sanitation Fees	10,833.00
Davis Energy, Inc.	Fuel	6,236.46
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,214.85
Demco	Library Supplies	1,008.02
Diamond Vogel Paint	ST/PK/Aquatic Center Supplies	2,146.56
Ditch Witch of Nebraska, Inc.	WR/Locator	3,921.56
Eakes Office Plus	Library Supplies	155.99
Eilers Machine & Welding	WWTP/EL Supplies	428.65
Electric Fixture	GGC Supplies	29.93
FedEx	Shipping Fees	12.00
Follett Software Co.	Library Supplies	167.23
Fyr-Tek	Fire Dept./Uniform Expense	645.34
Gale Group, The	Books	110.35
General Binding Corporation	Library Supplies	89.97
Gengenbach, Kevin	Rental	110.00
Golden Horse LTD	Book	12.85
Great Plains One-Call Service	Locates	67.31
HD Supply Waterworks	WR Supplies	198.29
Health Claims Fund	Claims	11,722.92
Heiman Fire Equipment, Inc.	Fire Dept. Supplies	201.65
Hometown Leasing	Copier Payments	603.83
Hunt Cleaners, Inc.	ST/WR/PK/Rec Supplies	489.76
Husker Ag Sales	WWTP/PK Supplies	130.13
Ingram Library Services	Books	245.68
Johnson Controls	Library Equip. Repair	152.75
Kinder Morgan	as Service	21,375.16
Lexington Area Solid Waste Agency	Landfill	1,854.66
Lexington Health Fund	Self-funding	34,239.15
Lexington Housing Authority	OOR Housing	1,373.40
Lexington Newspapers, Inc.	Publications	224.04
Lexington Postmaster	Postage	150.00
Lexington Public Schools	Seminar	10.00
Lexington True Value	Supplies	98.73
Lexington, City of	Franchise / Service Fees	46,161.00
Payroll	Wages	94,023.16
Social Security	Employer Portion / FICA Med	6,953.53
First National Bank	Employer Portion / Pension	3,114.77
First National Bank	Police Pension	1,316.55
ICMA	City Manager Pension	356.81
Lubberstedt, Wesley W.	Bike/Pedestrian Trail Fee	375.00
Mead Lumber & Rental-Lexington	PK/ST/WR Supplies	560.01
Mid-Nebraska Printing	Lib./GGC Supplies	261.77
Milco Environmental Services, Inc.	WWTP Report	908.90

Miller & Associates	Retainer Service	800.00
Morton, Allyn	OOR Housing	50.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Payment	4,166.67
Nebraska Dept. of Roads	Prospect Rd. Project	783.46
Nebraska Public Power District	Power Purchase	530,793.46
Nebraskaland Tire	Vehicle Repair	156.78
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Overton Community Center	Meals on Wheels	100.00
Patel, Nitin Kumar	Bike/Pedestrian Trail Project ROW	17,346.00
Peak Interest	Food	35.17
Platte Valley Communications	Council Chamber Mics	852.90
Plum Creek Market Place	Food	176.58
Plum Creek Motors	Police/Fire Dept.Service/Repair	1,745.31
Raven Environmental Products, Inc.	WWTP Supplies	205.65
Recorded Books	Books	144.40
S & W Auto Parts, Inc.	Central Garage/ST/PK Supplies	69.84
Service Master Mid Nebraska	Cleaning Service	1,046.54
Sign Pro	Police Supplies	5.00
Smart Apple Media	Books	154.55
Snell Services, Inc.	Library Supplies	899.82
T. L. Sund Constructors, Inc.	Concrete Work EL Shop	6,899.63
T. O. Haas Tire Co., Inc.	Repair / Tires	420.99
Thomas Bouregy & Company, Inc.	Books	138.50
TierOne Bank	Payment	106,032.76
TierOne-Lib. Petty Cash	Postage	19.05
Total Lawn Care	Lawn Service	1,436.00
Tri-City Tribune	Advertisements	435.00
Tri-County Hospital	Wellness	198.00
U-Save Business Equipment	Office Supplies	77.80
Unique Books, Inc.	Books	1,119.88
Utility Equipment	WR Supplies	134.78
Wal-Mart	Supplies	257.22
Alamar Uniform Company	Uniform Expense	98.23
American Fence Company, Inc.	WWTP Install Fence	2,720.74
American Girl	Subscription	22.95
Anderson Graphics	Library Supplies	17.50
Arnold Pool Company	Pool Supplies	248.85
B & D Office City	Office Supplies	29.29
Beringer Ciaccio Dennell Mabrey	GGC Architect	128.66
Bernal, Raymond	Electric Rebate	1,025.00
Bob's Auto Repair & Service	Repair	45.00
Card Center/Orscheln	Cemetery Supplies	509.97
Cardiel, Roman	Electric Rebate	1,025.00
Cash-Wa Distributing	ST Supplies	83.90
Cornhusker State Industries	ST Supplies	80.00
Dan's Sanitation	Sanitation Fees	1,850.00
Dawson County Public Power	Power Purchase	5,059.50
Dawson County Register of Deeds	Filing Fees	37.00
Depository Trust Co.	2002 GO Bond Payment	147,560.00
Drummond American Corporation	WWTP Supplies	309.35
Electric Fixture	Central Garage/Park Supplies	24.46
Eustis Body Shop	Police Vehicle Repair	1,666.22
Fireguard, Inc.	Fire Dept. Supplies	48.60
Galls, Inc.	Police Supplies	227.99
Hampton Inn	Conference/Seminars	315.00
Health Claims Fund	Claims	2,298.17

Jones Plumbing & Heating	Supplies/Service	859.04
Knapp Electric	WWTP Service	411.18
Lexington Animal Clinic	Animal Care	545.80
Lexington, City of ED Reuse	ED Sales Tax Payback to ED Reuse	13,131.19
Lexington, City of Housing	ED Sales Tax Payback to Housing	19,696.78
Lexington Glass Co.	Rec. Building Repair	39.50
Lexington Newspaper, Inc.	Publications	174.05
Lexington True Value	Library Supplies	15.08
Linweld	Ambulance Supplies	326.15
Mead Lumber & Rental-Lexington	WWTP/ST Supplies	93.75
Mid-Nebraska Printing	Office Supplies	42.24
Municipal Emergency Services	Fire Dept. Supplies	280.00
Municipal Supply	WR Supplies	649.19
Nebraska Department of Revenue	Sales & Use Tax	33,935.81
Nebraska Mosquito & Vector Control Assn.	Dues/Conference/Seminars	70.00
Nebraska Public Power District	Maintenance & Operations	50,000.00
Olsson Associates	Professional Fees	2,256.49
Overton Sand & Gravel	Gravel	118.75
Platte Valley Communications	Maint./Repairs/Supplies	396.20
Rainbow Book Company	Books	826.89
Spirituality Health	Subscription	24.95
Taste of Home Books	Book	28.98
TierOne-City Petty Cash	Food/Postage	11.70
Tri-County Hospital	Ambulance Supplies	110.00
U-Save Business Equipment	Office Supplies	16.56
Wal-Mart	Supplies	257.17
Willard Weinhold Law Office	Fees	1,494.00
	TOTAL CLAIMS:	1,259,192.08

CED ADDITION:

Peplitsch gave an overview of the CED Addition plat. He noted that the plat represents the first phase of a three phase housing project by the CED. This plat contains twenty-two housing lots and associated streets. He indicated that a subdivision agreement, zoning application, and hearing to annex the subdivision will be brought back in early June 2007. Resolution No. 07-16 was read. Moved by Tomasek, seconded by Miller, to approve Resolution No. 07-16. Roll call. Voting "aye" were Miller, Tomasek, Fagot. Motion carried.

**RESOLUTION NO. 07-16
CED ADDITION**

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

The plat of CED ADDITION, an addition to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, 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 this 8th day of May, 2007.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ORDINANCE: The Council reviewed draft amendments to Chapter 5 of the Lexington City Code regarding animals and fowl. The Council directed Staff to make several changes and bring the draft back for future consideration.

ORDINANCE: The Council reviewed draft amendments to Chapter 19 of the Lexington City Code regarding miscellaneous offences. Jerry Lauby addressed the Council regarding the concealed weapon section of the code. Following discussion, Council directed Staff to bring this item back to the next meeting.

RESOLUTION: Peplitsch indicated that the remonstrance period had passed, and the final sale of land to the CED was now ready for completion. Following discussion, Resolution No. 07-17 was read. Moved by Tomasek, seconded by Miller, to approve Resolution No. 07-17. Roll call. Voting "aye" were Miller, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 07-17

WHEREAS, the City has by Ordinance No. 2228 approved the sale of the following described real estate owned by the City, to-wit:

The South 16.84 feet of Lot 3 and all of Lot 4, Block 1, MacColl and Leflang's Second Addition to the City of Lexington, Dawson County, Nebraska;

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 COUNCIL FOR ECONOMIC DEVELOPMENT, the purchaser thereof. PASSED AND APPROVED this 8th day of May, 2007.

CITY OF LEXINGTON, NEBRASKA

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

PARK SHELTER: Peplitsch and Burnside presented proposed plans and contract for the construction of a Park Shelter in the east side of Memorial Park. The shelter was designed and recommended by the Park Improvement Committee. The 3,000 S.F. facility features 2,400 S.F. of roofed open air shelter, a restroom facility, and be equipped with surveillance equipment as a deterrent to vandalism. The City budgeted funds of \$75,000 for the project with additional funding provided through a partnership with the Lexington Community Foundation. The project is planned to be completed by the Fourth of July holiday. Following discussion, moved by Miller, seconded by Tomasek, to authorize execution of a contract with TL Sund Constructors to construct a Park Shelter in Memorial Park, in the amount of \$85,000. Roll call. Voting "aye" were Tomasek, Miller, Fagot. Motion carried.

DAD APPOINTMENT: This agenda item was stricken from the agenda and will be brought back to the Council at a later time.

ROUNDTABLE: Peplitsch reported that ROW acquisition has been completed for the Pedestrian Bike Trail project and close out documentation for this portion of the project will be forwarded to the State Roads department this week. Following NDOR approval,

the project can be submitted for bids. Pepplichtsch reminded Council of the Planning session scheduled for Saturday, May 12, 2007, at 8 a.m. in the Council Chambers.

Burnside reported that the City received a grant award for a Scrap Tire Clean-up that would most likely be held in October 2007.

Berke reported that Bill Brecks, Burnside, and she had graduated from the DAD Leadership program.

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

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A City Council Planning Session of the Lexington City Council was held Saturday, May 12, 2007 at the Lexington Municipal Building, located at 406 East 7th Street, Lexington, Nebraska at 8:00 a.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, Joni Bennett, and Linda Miller. Council Member John Salem was absent. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, and Dana Daniels, Miller & Associates.

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, 406 East 7th Street, Lexington, NE.

LANDFILL PERMITTING: Staff and Engineering reviewed the landfill permitting process. Following discussion, no action was taken.

RURAL VIADUCT STUDY: Council and staff discussed the process of conducting a viaduct location study in the area of the intersection of County Road 435 and the UPRR. Staff was directed to meet with Dawson County to discuss the issue further.

CITY HALL RENOVATION: Council and Staff toured the City Hall to evaluate renovation needs. Following the tour, Council and Staff discussed the identified needs and a reasonable process to complete a conceptual design for feasibility considerations. Following discussion, no action was taken.

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

John Fagot
Mayor

Joe Peplitsch
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.

City Clerk