

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 23, 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 Pam Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Tom and Cathy Fagot were also present.

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 10-9-07 Minutes of the Regular meeting held Tuesday, October 9, 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 \$733,857.57 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$348,165.20 from the General Fund, \$138,860.73 from Economic Development, \$55,599.46 from TIF, \$8,209.17 from ED Reuse, \$8,757.50 from Housing Reuse, \$102,174.45 from LEXUS, \$24,199.40 from Sanitation, \$1,157.03 from Ambulance Fund, \$39,995.87 from Health Fund, and \$6,738.76 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 23, 2007

AFLAC	Premium	925.96
All-American Sewer	GGC Service	130.00
Alloy Specialty, Inc.	OOR Housing	267.50
All Points Cooperative	Fuel	121.03
Alltel	Cellphone Service	52.09
Anderson Graphics	Library Supplies	20.30
Arrow Seed Company, Inc.	PK/REC Supplies	545.00
B & D Office City	Office Supplies	23.79
Barco Municipal Products	WWTP/WR Supplies	715.04
Barmore Drug Store, Inc.	Office Supplies	3.99

Business Card	Food/Office Supplies	85.69
Business Office Systems of Nebraska	Office Supplies	155.15
Card Center/Orscheln	Supplies	219.61
Case Credit Advantage	WWTP Supplies	552.52
Cash-Wa Distributing	Food & Supplies	564.67
Child's World, The	Books	199.35
Coca Cola/Dr. Pepper of Kearney	Beverages	60.00
Concrete Workers, Inc.	15th ST. Improvements	25,059.74
Danko Emergency Equipment Co.	Fire Dept. Supplies	230.28
Davis Energy, Inc.	Fuel	3,455.72
Dawson County Handibus	Transportation	4.00
DeBruce Grain	Ice Control Salt	957.90
Demco	Library Supplies	170.64
Dept of HHS/Regulation & Licensure	WR Operator License	94.00
Diamond Sales	Books	230.95
Electric Fixture	EL/ST Supplies	94.84
Farmer Brothers Coffee	Food	167.70
Follett Software Co.	Library Supplies	167.22
Gale Group, The	Books	280.00
Galls Inc.	Police Supplies	83.96
Health Claims Fund	Claims	38,056.76
Holbein, Dahlas D.	Maint. & Cleaning	850.00
HR Specialist	Subscription	148.00
Hunt Cleaners, Inc.	ST Supplies	80.45
H. W. Wilson Company, The	Subscriptions	617.00
Ingram Library Services	Books	216.56
Jeffrey Contracting	OOR Housing	8,490.00
Jim Phillips Const.	ST Repair/Main Break Repair	5,746.00
Kovels On Antiques And Collectibles	Subscription	27.00
Lexington Newspapers, Inc.	Publications	272.22
Lexington Recreation Programs	Youth Basketball Instruction	2,500.00
Lexington Volunteer Fire Dept.	Conference/Seminars	775.04
Payroll	Wages	87,838.87
Social Security	Employer Portion / FICA Med	6,497.21
First National Bank	Employer Portion / Pension	2,843.14
First National Bank	Police Pension	1,333.23
ICMA	City Manager Pension	380.00
Lien Lawn Services	Lawn Care	800.00
Linweld	Oxygen Supplies	67.98
Matt Parrott And Sons Co.	Office Supplies	204.80
Mead Lumber & Rental-Lexington	WWTP Supplies	23.99
Mid-Nebraska Printing	Police Supplies	29.64
Mid-State Units	Rental	2,080.00
Midwest Laboratories, Inc.	WWTP Test Supplies	1,068.90
Miller & Associates	Professional Services	1,000.00
Nebraska Air Filter, Inc.	Library Supplies	244.74
NE Dept. of Economic Development	CDBG Payments	8,209.17
Nebraska Life	Subscription	21.00
Nebraska Machinery	WWTP Supplies	460.46
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,299.98
Nebraska Public Health Environmental Lab.	WR Testing	827.00
Neopost	Postage	1,500.00
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete/Gravel	122.30
Pinnacle Agency, The	Insurance Premium	174,692.00
Plum Creek Market Place	Food	16.24
Plum Creek Motors	Police Car	10,998.00

Roberts Dairy Company	Beverages	106.57
Rourke Publishing Group	Books	223.30
S & W Auto Parts, Inc.	WWTP Supplies	93.21
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,027.50
Simmerman Electric	WWTP Service	492.80
Sports Illustrated	Subscription	89.04
Summit Supply Corporation	PK Equipment Supplies	970.00
T. L. Sund Constructors, Inc.	ST Repair	234.27
T. O. Haas Tire Co., Inc.	Tire Repair	25.79
Team Detail & Quicklube	Car Washes	43.98
Thompson Co., The	Food & Supplies	791.04
Thomson Healthcare	Book	9.95
TierOne-Lib. Petty Cash	Postage	18.04
Travelers	Insurance Premium	6,977.00
U-Save Business Equipment	POOL/REC/ST Supplies	286.95
U. S. Department of Agriculture	Service Agreement	4,605.00
Wal-Mart	Supplies	388.61
Ward Laboratories	Lab Tests	24.00
All Points Cooperative	Fuel	42.59
Alltel	Cellphone Service	147.72
American Water Works Association	Membership Dues	280.00
B & D Office City	Office Supplies	40.00
Bradfield, Rollie	Boots	68.48
Card Center/Orscheln	Supplies	27.80
Case Credit Advantage	Central Garage Supplies	207.66
Cash-Wa Distributing	Food & Supplies	1,404.58
Central Garage Fund	Repairs/Service	6,213.62
Certified Laboratories	Central Garage Supplies	851.07
Chali, Cesar	Boots	34.77
Community Redevelopment Authority	Welcome Sign/TIF	3,400.00
Dan's Sanitation	Sanitation Fees	24,199.40
Davis Energy, Inc.	Fuel/Supplies	131.75
EDM Equipment Company	Central Garage Supplies	110.74
Electric Fixture	WWTP Supplies	40.63
Five Star Flooring	Building Maintenance	1,899.50
FYR-TEK	Repairs	185.00
Gale Group, The	Book	22.07
Galls, Inc.	Police Supplies	67.99
Government Finance Officers Association	Book	43.00
Health Claims Fund	Claims	1,013.15
IEQ Industries, LTD	Central Garage Supplies	298.86
Lexington, City of	Franchise/Service Fees	56,789.45
Lexington, City of ED Reuse	CEL Payback	13,131.19
Lexington, City of General Fund	NW Paving Payback	52,199.46
Lexington, City of Housing Fund	CEL Payback	19,696.78
Lexington Truck & Auto	Central Garage Supplies	25.00
Lexington True Value	Supplies	55.92
Lexington Utilities System	Utilities	18,645.08
Matt Friend Truck Equipment	Central Garage Spls/Snow Plow	5,851.00
Nebraska Library Commission	Books/Seminars	136.45
Nelson, Thomas R.	Conference	98.16
Prairie Pirates, The	Book	17.50
Rasmussen Mechanical Service Corp.	Library Service/Repair	2,819.80
Roberts Dairy Company	Beverages	217.36
S & W Auto Parts, Inc.	Central Garage Supplies	719.17
Scholastic Library Publishing	Books	144.30
Service Master Mid Nebraska	GGC Service	78.75

T. O. Haas Tire Co., Inc.	Tires	571.05
Third Party Environmental, Inc.	Asbestos Inspection	600.00
Thompson Co., The	Food	505.09
TierOne Bank	CEL Payment	106,032.76
TierOne-City Petty Cash	Postage/Food/Fuel/Car Titles	141.07
TierOne-Library Petty Cash	Postage	19.76
U-Save Business Equipment	Postage	7.55
Utility Equipment	WR Supplies	1,010.14
Wal-Mart	Supplies	131.03
	TOTAL CLAIMS:	733,857.57

STREET VENDORS: An Ordinance entitled “AN ORDINANCE TO PROVIDE REGULATION OF STREET VENDORS; TO REPEAL ALL 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 Tomasek, seconded by Salem, to approve Ordinance on first reading. Roll call. Voting “aye” were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

LICENSE FEES: A resolution regarding a fee schedule for street vendor licenses was discussed and will be considered along with that ordinance at future meetings.

PUBLIC HEARING: Mayor Fagot opened the Public Hearing to consider a request by Thomas G. and M. Catherine Fagot to rezone property at 1210 N. Johnson from R-3 Residential to C-3 Commercial. Dr. Tom Fagot appeared before the Council to outline his plans for the property as storage for his dental practice and possible parking in the future. Pepplitsch noted that this request was presented before the Planning Commission at their last regular meeting and was recommended for approval. The Public Hearing was closed.

An Ordinance entitled “AN ORDINANCE TO REZONE LOTS 15 AND 16, BLOCK 3, MACCOLL AND LEFLANG’S SECOND ADDITION TO THE CITY OF LEXINGTON, FROM R-3 RESIDENTIAL DISTRICT TO C-3 HIGHWAY COMMERCIAL 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 by title. Following discussion, moved by Salem, seconded by Miller to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2240 was read by title. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2240 on final reading. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

SALE AGREEMENT: Pepplitsch presented an Agreement for the Sale of Real Estate to the Lexington Area Solid Waste Agency. Following discussion, moved by Tomasek, seconded by Bennett, to approve the agreement for the sale of land to the Lexington Area Solid Waste Agency and to authorize the Mayor to sign. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

ORDINANCE: An Ordinance entitled “AN ORDINANCE DIRECTING THE SALE OF 350.12 ACRES IN THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER, PART OF THE NORTHWEST QUARTER, AND PART OF THE SOUTHWEST QUARTER OF SECTION 20,

TOWNSHIP 11 NORTH, RANGE 21 W. OF THE 6TH P.M., DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE” was read by title. Moved by Salem, seconded by Miller, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2241 was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2241 on final reading. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

FINANCIAL REPORT:

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

ROUNDTABLE:

Pepplitsch reported the bids for the Pedestrian Trail project were opened and will be tabulated as soon as possible. He commented that a special council meeting may be called in order to consider acceptance of the bids and award the contract, following NDOR concurrence. It is anticipated that the project may begin yet this fall. He also reminded Council of the planning session scheduled for Saturday, October 27, at 8 am. Pepplitsch also noted that the insurance renewal premium is down from the previous year due to a reduction in worker’s compensation costs.

Burnside reported that he had attended a Multi-Cultural Coalition event in Grand Island. He noted that work is continuing to gather names of persons interested in serving on the Multi Cultural commission and he hopes to have the Commission in place by the end of the year.

Fagot reported on October LASWA full board meeting.

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