

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 26, 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, Joni Bennett, Linda Miller, and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy City Clerk Pam Berke. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of the Clipper-Herald. Other concerned citizens included Diane Adams of Lexington Housing Authority, Neal Kohl, John Fritton, and Ellie Vasquez.

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 6-12-07 Minutes of the Regular meeting held Tuesday, June 12, 2007, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$558,302.59 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$256,882.56 from the General Fund, \$100,000.00 from Economic Development, \$4,557.68 from TIF, \$7,000.00 from Housing Reuse, \$105,084.62 from LEXUS, \$23,960.68 from Sanitation, \$1,664.65 from Landfill, \$275.16 from Ambulance Fund, \$51,735.36 from Health Fund, and \$7,141.88 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Miller, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
June 26, 2007

All-American Sewer & Drain Cleaning, LLC	Service EL/PK	250.00
All Points Cooperative	Fuel/Fertilizer	185.88
Alltel	Cellphone Service	121.54
Barmore Drug Store, Inc.	Book	9.95
Business Professional Credit Management	Collection Fees	547.04
Cash-Wa Distributing	Food & Supplies	5,801.65
Chief Supply Corp.	Fire Dept. Supplies	282.87
Coca Cola/Dr. Pepper of Kearney	Beverages	650.00
Collegiate Pacific	PK/Rec. Supplies	382.74
D & R Computing	Repairs	40.00

Dan's Sanitation	Sanitation Fees	1,853.00
Davis Energy, Inc.	Fuel	5,333.68
Dawson Area Development	Registration Fee	695.00
Dawson County Court	Court Fees	44.00
Diamond Vogel Paint	ST Supplies	1,735.50
Dutton-Lainson Company	Historical Lighting Spls	10,583.00
Ecolab	WWTP Supplies	1,029.17
Eilers Machine & Welding	PK Supplies	30.20
Electric Fixture	WWTP/EL/ST Supplies	720.75
Electric Pump	Sump Pump	3,088.82
Eustis Body Shop	Repairs	205.07
Farmer Brothers Coffee	Food	116.17
Fastenal	WWTP Supplies	131.34
Fireguard, Inc.	Fire Vehicle Repair	912.99
Fisher Scientific	WWTP Supplies	350.82
Fyr-Tek	Fire Dept. Supplies	80.82
Gale Group, The	Books	110.35
Hach Company	WWTP Supplies	327.10
Health Claims Fund	Claims	38,143.36
HD Supply Waterworks	WR Supplies	28.55
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Ingram Library Services	Books	850.87
Knapp Electric	WWTP Supplies	1,100.37
Lexington Newspapers, Inc.	Publications	20.31
Lexington True Value	Supplies	12.99
Payroll	Wages	112,999.55
Social Security	Employer /FICA Med	8,411.94
First National Bank	Employer / Pension	2,976.43
First National Bank	Police Pension	1,318.10
ICMA	City Manager Pension	373.08
Mac's Short Stop	Food	149.19
Mead Lumber & Rental-Lexington	WWTP/EL/PK Supplies	170.18
Mid-Nebraska Printing	Rec. Supplies	45.00
Midwest Laboratories, Inc.	Landfill Supplies	1,664.65
NFPA International	Membership Fee	150.00
Nebraska Department of HHS Laboratory	WR Testing	860.00
Neopost	Postage	1,500.00
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete	74.90
Platte Valley Communications	Phone	21.40
Plum Creek Market Place	Food	21.72
Random House Direct	Book	24.90
Reams Sprinkler Supply Co.	PK Supplies	319.97
Roberts Dairy Company	Food & Supplies	267.38
RTC	WWTP Supplies	217.00
Sargent Drilling Co.	Well Repair	1,037.90
Schwan's Sales Ent	Food	170.85
Service Master Mid Nebraska	Bldg. Cleaning Serv.	2,675.94
Showcases	Library Supplies	137.86
Sign Pro	GGC Supplies	36.00
Subway Sandwiches & Salads	Food	39.89
T. O. Haas Tire Co., Inc.	Tires/Repair	269.92
TierOne-Lib. Petty Cash	Postage	6.38
U-Save Business Equipment	Office Supplies/Postage	390.66
Wal-Mart	Supplies	398.45
Ward Laboratories	Lab Tests	48.00
All Points Cooperative	Fuel	82.04

Associated Supply Company, Inc.	Aquatic Center Supplies	325.29
B & D Office City	Office Supplies	130.48
Better Homes And Gardens	Subscription	34.91
Bliven Construction	Replace Rec. Bldg. Roof	5,529.49
Bob's Auto Repair & Service	Vehicle Repair	617.25
Brown Traffic Products	EL Supplies	259.72
Business Card	ST/PK/Office Supplies	666.42
Card Center/Orscheln	Supplies	71.67
Cash-Wa Distributing	Food & Supplies	2,040.75
Coca Cola/Dr. Pepper of Kearney	Beverages	96.00
Council for Economic Development	Loan	100,000.00
Dan's Sanitation	Sanitation Fees	25,207.68
Davis Energy, Inc.	Fuel/Oil	4,741.15
Dawson County Treasurer	TIF Refund	4,557.68
Denker Inc.	Electric Rebate	1,025.00
Designer Craft Woodworking	Drive-Thru Window Rep	90.95
Dos Mundos	Subscription	40.00
Eakes Office Plus	Library Supplies	387.51
H & M Services	Library Supplies	114.00
Health Claims Fund	Claims	13,592.00
Ingram Library Services	Books	24.45
Iowa Transit	WR Supplies	110.29
Jakes Toro Sprinklers	Sprinkler Maint.	56.08
Jeffrey Contracting	OOR Housing	7,000.00
Jim Phillips Construction	Concrete Work/Srv Bldg	8,531.00
Lexington Newspapers	Publication	7.28
Lexington, City of	Franchise / Service Fees	53,264.98
Lexington Utilities System	Utilities	24,722.74
Mac's Short Stop	Food	79.92
Mead Lumber & Rental-Lexington	WR Supplies	384.77
Miller & Associates	Retainer Service	800.00
Mountain Plains Library Association	Membership Dues	27.50
Naumann, Sondra	Cleaning Service	132.00
Nebraska Machinery	Loader Repair	31,035.71
Olsson Associates	Professional Fees	319.76
Oxmoor House	Book	33.91
Paulsen Inc.	Concrete/Rebar	152.00
Plum Creek Promotions	T-Shirts	1,004.27
Reiman Publications	Subscription	14.98
Schwan's Sales Ent	Food	112.91
Sporting Edge, The	Swimsuits	2,421.00
T. L. Sund Constructors, Inc.	Memorial Park Shelter	53,718.00
This Old House Magazine	Subscription	39.95
TierOne-City Petty Cash	Postage / Food	21.90
TierOne-Lib. Petty Cash	Postage	32.64
U-Save Business Equipment	WR/Police Supplies	62.77
Van Diest Supply Company	ST Supplies	760.00
Wal-Mart	Supplies	294.65
Ward Laboratories	Water Test	24.00
	TOTAL CLAIMS:	558,302.59

ORDINANCE:

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 by title. Following discussion, moved by Salem, seconded by

Tomasek, to suspend rules requiring three separate readings of the ordinance. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2233 was read by title. Moved by Salem, seconded by Miller, to pass Ordinance No. 2233 on final reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

APPOINTMENTS:

Council considered appointing John Fagot as the city’s representative to the Dawson Area Development. Following discussion, moved by Miller, seconded by Salem, to appoint Fagot as DAD representative. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

Council considered appointing Ellie Vasquez to the Lexington Planning Commission. Following discussion, moved by Salem, seconded by Miller to appoint Vasquez to the Planning Commission. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried. The council welcomed Ms. Vasquez and thanked her for her service.

**HOUSING AUTHORITY
PILOT AGREEMENT:**

Diane Adams, Lexington Housing Authority, requested Council waiver of the Payment in Lieu of Taxes agreement with the City of Lexington. Following discussion, moved by Tomasek, seconded by Salem, to approve a waiver of the PILOT agreement for the current fiscal year. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

ORDINANCE:

Burnside presented a draft amendment to Chapter 12 of the Lexington City Code relating to food and food establishments. An ordinance entitled “**AN ORDINANCE TO AMEND CHAPTER 12 OF THE LEXINGTON CITY CODE; TO RENUMBER SECTIONS OF CHAPTER 12; TO IMPROVE EFFICIENCY BY REDUCING REDUNDANCIES BETWEEN STATE AND LOCAL REGULATORY PRACTICES FOR FOOD HANDLING ESTABLISHMENTS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM**” was read. Following discussion, moved by Tomasek, seconded by Bennett, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2234 was read by title. Motion by Tomasek, seconded by Miller, to approve Ordinance No. 2234 on final reading. Roll call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested approval of Pay Request # 8 from Paulsen, Inc. for the Grand Generation Center Renovation project. Following an update of the project, moved by Miller, seconded by Salem, to approve Pay Request # 8 from Paulsen, Inc. in the amount of \$29,884.21. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

PASTURE LAND:

Pepplitsch requested Council discussion on the sale of pasture land to LASWA for landfill facility expansion. Following discussion, Staff was directed to prepare information for further Council discussion.

FINANCIAL REPORT:

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

EXECUTIVE SESSION:

Finding that it is clearly necessary for the protection of the Public interest that a closed strategy session be held in regards to the purchase/sale of real estate, moved by Salem, seconded by Miller to adjourn into closed executive session at 6:21 pm. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried. Mayor Fagot announced that the Council would go into Executive Session at 6:21 pm for a closed strategy session regarding purchase/sale of real estate.

Moved by Salem, seconded by Miller, to adjourn Executive Session at 7:03 pm. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

BUDGET SESSION:

Pepplitsch presented a draft of the 2008 General Fund budget with the Council. Following discussion, no action was taken.

ROUNDTABLE:

Burnside reported that he has been contacted about a Boy Scout project to be completed within the city limits and will have more information at the next regular 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