

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 22, 2008, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> 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 Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Chris Riha, Dan Lindstrom, Rita Wagner, and David and Tammy Gordon.

**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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 7-8-08** Minutes of the Regular meeting held Tuesday, July 8, 2008, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$494,876.88 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 \$249,349.47 from the General Fund, \$8,209.17 from ED Reuse, \$138,327.91 from LEXUS, \$27,876.59 from Sanitation, \$4,871.30 from Landfill, \$5,025.30 from Ambulance Fund, \$54,331.04 from Health Fund, and \$6,886.10 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
July 22, 2008

AFLAC	Premium	844.16
All Points Cooperative	Fuel	303.09
Alltel	Service	52.16
American Cancer Society	Sftbl Tournament-Support Personnel	500.00
Arnold Pool Company	Aquatic Center Supplies	432.40
Audio Editions	Books	87.90
Auto Glass Center	Repair	236.20
B & D Office City	Supplies	115.03
Bob's Auto Repair & Service	Repair	258.00
C & S Truck & Salvage, Inc.	Central Garage Supplies	2.22

Card Center/Orscheln	EL/ST/PK/WWTP/WR Supplies	326.83
Cash-Wa Distributing	Food & Supplies	3,292.69
Central Garage Fund	Repair/Service	9,571.25
Certified Laboratories	Central Garage Supplies	343.65
Chief Supply Corp.	Fire Supplies	379.84
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	1,710.00
Contryman Associates, P. C.	Consultation	1,170.00
Copycat Printing	Brochures	884.45
Davis Energy, Inc.	Fuel/Propane/Oil	8,504.76
Dawson Area Development	Advertising	1,314.00
Dawson County Public Power District	Power Purchase	8,028.59
Deere Credit, Inc.	WWTP Tractor Payment	7,316.99
Demco	Lib Supplies	513.14
Dugan Business Forms	Office Supplies	1,352.45
Egan Supply Company	ST Supplies	43.99
Electric Fixture	WR/EL Supplies	515.70
Electronic Systems	Lib. Service	40.00
EZ Liner Industries	Central Garage Supplies	596.70
Fagot Refrigeration & Electric	WWTP Repairs	1,320.30
Fastenal	PK Supplies	176.77
Follett Software Company	Lib. Supplies	44.37
G & V Inc.	Haul Trash	1,204.00
Gale Group, The	Books	70.11
Gnirk Lawn Care, Inc.	Lawn Service	40.00
Hach Company	Testing Supplies	411.95
Health Claims Fund	Claims	48,901.58
Holbein, Dahlas D.	Maint & Cleaning	1,000.00
Hunt Cleaners, Inc.	ST Supplies	258.13
Husker Ag Sales	Central Garage Supplies	1,237.11
International Institute of Municipal Clerks	Membership Dues	140.00
Ingram Library Services	Books	347.15
Jim Phillips Construction	ST/WR Mains Rep/PK Sidewalk	14,502.00
Keim, Bob	Freon Removal	225.00
KNOP-TV	Advertisements	1,587.50
Lexington Girls Fast Pitch Association	Sftbl Tournament-Support Personnel	1,000.00
Lexington Newspapers	Publications	361.74
Lexington Recreation Program	Start-up-Swim Meet	150.00
Lexington True Value	Supplies	80.42
Payroll	Wages	137,498.48
Social Security	Employer Portion / FICA Med	10,289.44
First National Bank	Employer Portion / Pension	3,570.29
First National Bank	Police Pension	1,771.31
Health Fund	Insurance Premiums	23,067.49
ICMA	City Manager Pension	392.30
Mac's Short Stop	Food	257.83
Martin's Flag Company	Flags	231.44
Matt Parrott and Sons Company	Supplies	214.50
Mead Lumber & Rental-Lexington	PK Supplies	860.75
Michael Todd & Co., Inc.	ST Supplies	161.23
Milco Environmental Services, Inc.	Water Analysis/Disposal Site	4,871.30
Moore Medical Corp.	Ambulance Supplies	1,311.85
National League of Cities	Membership Dues	1,432.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Fire Fighters' Trust	Premium	2,154.58
Nebraska Amateur Softball Association	Sftbl Tournament Fees/Supplies	3,472.75
Nebraska Power Review Board	Annual Fees	1,079.82
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,339.81

Nebraskaland Magazine	Subscription	18.00
Neopost	Postage	1,500.00
OMB Police Supply	Supplies	123.30
Overton Community Center	Meals On Wheels	100.00
Paulsen, Inc.	Concrete	83.46
Plum Creek Cleaners	Supplies	58.50
Plum Creek Market Place	Food	76.69
Plum Creek Telephone Systems	Phone Repair	65.00
Reader's Digest	Subscription	9.98
Recorded Books	Book	5.95
Reiman Publications	Subscription	19.96
Rick's Audio/Video	Radio Repair	49.21
Rockmount Research & Alloys, Inc.	Central Garage Supplies	1,080.55
Run-N-Iron	Ammunition	1,900.00
S & W Auto Parts, Inc.	Central Garage/WWTP Supplies	1,088.67
Schwan's Sales Ent	Food	141.28
Service Master Mid Nebraska	Cleaning Service	2,092.50
Subway Sandwiches & Salads	Food	36.89
TASC	Premium	194.40
TierOne-Lib. Petty Cash	Postage/Food	36.10
Tri-County Hospital	Ambulance Spls/Wellness/Lab Test	471.00
U-Save Business Equipment	Rec/Police Supplies	65.39
Van Diest Supply Company	Insecticide	1,827.00
W P C I	Lab Test	27.10
Wal-Mart	Supplies	485.13
Ward Laboratories	Lab Tests	26.00
Wycoff, Delane & Dorothy	R.O.W. Acquisition	3,070.00
Alltel	Service	104.54
B & D Office City	Supplies	49.45
Barmore Drug Store, Inc.	Rec Supplies	17.81
Brody Chemical	ST Supplies	208.89
Business Card	Conference/Postage/PK Supplies	1,518.75
Buysm Sod	Sod	1,220.00
Card Center/Orscheln	PK Supplies	108.00
Cash-Wa Distributing	Food & Supplies	2,825.80
Chavez-Briseno, Maria	Electric Rebate	425.00
Coca Cola/Dr. Pepper of Kearney	Beverages	126.00
Dan's Sanitation	Sanitation Fees	27,876.59
Davis Energy, Inc.	Propane	32.50
Dawson County Handibus	Transportation	38.00
Dawson County Red Cross	Classes	586.90
Demco	Lib Supplies	48.80
Electronic Systems	GGC Service	35.00
Farmer Brothers Coffee	Food & Supplies	179.87
Gale Group, The	Book	23.37
Health Claims Fund	Claims	4,293.80
Henry, Jennifer	Utility Refund	55.60
Ingram Library Services	Books	493.60
Jeffrey Contracting	Old Wal-Mart Building Remodel	3,868.00
Lexington, City of	Franchise Fees	57,167.14
Lexington Utilities System	Utilities	30,087.95
Lexington Volunteer Fire Department	Ambulance Fees	3,030.25
Mac's Short Stop	Food	69.90
Mead Lumber & Rental-Lexington	PK Supplies	20.53
Mid-State Units	Rental	492.00
Miller & Associates	Pro Svc/Bike/Ped.Trail/Handicap Imp.	17,876.72
Nebraska Association of Senior Citizens	Conference	80.00

Nebraska Dept. of Economic Development	Orthman's CDBG Payment	4,042.50
Nebr. Dept. of Health & Human Services	Utility Refund	240.00
Nelson, Thomas R.	Conference	255.90
Plum Creek Market Place	Food	12.45
Progressive Business Publications	Subscription	230.00
Qualification Targets, Inc.	Police Supplies	137.42
Roberts Dairy Company	Beverages	353.36
State Wide Collections	Collection Fees	263.14
Thompson Company, The	Food & Supplies	671.88
TierOne-Lib Petty Cash	Postage	4.57
U-Save Business Equipment	Postage/Supplies	26.49
Wal-Mart	Supplies	60.94
Ward Laboratories	Lab Tests	13.00
Weathercraft Companies	Building Repair	589.25
Young, Eugene	Electric Rebate	425.00
	<b>TOTAL CLAIMS:</b>	<b>494,876.88</b>

**PUBLIC HEARING:**

Mayor Fagot continued the public hearing to consider a special use application by Viaero to construct an 85 foot tower A-2 Zone, located at 305 East 20<sup>th</sup>. The hearing was tabled from previous meetings. Chris Riha, Viaero, gave a presentation regarding the proposed site. Following Riha's presentation, Dan Lindstrom, general counsel for Viaero, provided additional information tower location opposition. Dave Gordon, 2002 Polk, reiterated his opposition to the proposed tower being located adjacent to his property. Riha addressed the Council on his efforts to discuss the issue with property owners in the area. Lindstrom reiterated the different characteristics of wireless technology and coverage issues. Fagot asked for other comments, being none, the public hearing was closed. Weinhold noted that the Council may want to go into emergency closed session in order to receive legal advice. Moved by Miller, seconded by Salem, to go into emergency closed session for the purpose of receiving legal advice. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried. Council went into emergency closed session for the purpose of receiving legal advice at 6:35 pm.

Moved by Tomasek, seconded by Bennett, to come out of emergency closed session for the purpose of receiving legal advice at 6:40 pm. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Following Council discussion, moved by Miller, seconded by Tomasek, to approve the special use permit application by Viaero Wireless as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller. Voting "no" were Salem, Fagot. Motion carries.

**SOCCKER FIELD BIDS:**

Dana Daniels presented Council with bid tabulation for the Optimist Complex Soccer Field Improvement project. He reported that both bids received were not within the bid guidelines and were only for sprinkler system installation. Following review of the bid information, it was recommended to award a contract for the sprinkler system installation. Pepplitsch reported that the fine grading and seeding may be accomplished through negotiation. Following discussion, moved by Tomasek, seconded by Salem, to waive irregularities of the bids received, award the sprinkler system installation portion of the bid to Hoehner Turf Irrigation II for the sprinkler system in the amount of \$32,465.00, and authorize the City Manager to negotiate for fine grading and seeding improvements. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**FLUORIDATION  
LEGISLATION:**

Pepplitsch reviewed information regarding rules and regulations of adding fluoride to the local drinking water system, as recently mandated by state statute. He reported that the drinking water in Lexington has naturally occurring fluoride at levels that may not require further addition. He also indicated that statute does allow an opt-out provision for local voters. Rita Wagner, a concerned citizen, presented information the dangers of adding sodium silica fluoride to the drinking water. Following discussion, Council directed the City Manager to work with NHHS on a waiver and report back in early August.

**PAY REQUEST:**

Daniels presented Pay Request #3 from Cement Products Inc for the Lexington Pedestrian/Bike Trail in the amount of \$53,608.19. He gave an update of the project and recommended payment. Moved by Miller, seconded by Bennett, to approve Pay Request #3 as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**CHANGE ORDER:**

Daniels presented Change Order #2 on the Spring Creek Box Culvert project and gave an update of the project. Following discussion, moved by Miller, seconded by Tomasek, to approve the change order as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**PAY REQUEST:**

Daniels presented Pay Request #3 and Final from LJ Webb Contractor Inc for the Spring Creek Box Culvert project in the amount of \$19,351.93. Moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**FINANCIAL REPORT:**

Pepplitsch presented a financial report for May 2008. Following discussion, moved by Salem, seconded by Miller, to accept the financial report as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**ROUNDTABLE:**

Pepplitsch reported that a draft of the General Fund budget will be sent to council members by July 25<sup>th</sup> and a draft of the Utility budget will likely follow by July 28<sup>th</sup>. He requested a budget session at the next council meeting, scheduled for August 12<sup>th</sup>. Following discussion regarding attendance at the next regularly scheduled meeting, moved by Salem, seconded by Miller, to move the next council meeting to Tuesday, August 5, 2008. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Burnside noted that a new police officer, Lance Blythe, will be starting employment on July 28<sup>th</sup>. Council requested that recently hired officers attend a meeting to meet the Council.

Salem questioned the status of nuisance abatement at the intersection of Hwy 30 and Rd 436.

**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.

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Deputy City Clerk