

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 13, 2008, at the Grand Generation Center Meeting room, located at 407 East 6th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, and Linda Miller. Council members Joni Bennett and John Salem were absent. 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 Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Dana Daniels, Miller & Associates, Deb Jensen, DAD Community Development Coordinator, and Linda Shivelbein.

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 Grand Generation Center meeting room, located at 407 East 6th Street, Lexington, Nebraska.

MINUTES – JOINT MEETING 4-15-08 Minutes of a Joint meeting with the Dawson County Commissioners held Tuesday, April 15, 2008, 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.

MINUTES – REGULAR MEETING 4-22-08 Minutes of the Regular meeting held Tuesday, April 22, 2008, were presented for Council approval. Moved by Miller, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,658,418.23 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$359,621.29 from the General Fund, \$65,655.93 from Economic Development, \$93,001.01 from TIF, \$4,042.50 from ED Reuse, \$12,493.06 from Housing Reuse, \$1,050,196.47 from LEXUS, \$10,000.00 from Sanitation, \$2,470.60 from Ambulance Fund, \$53,395.64 from Health Fund, and \$7,541.73 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 13, 2008

Alamar Uniform Co.	Uniform Expense	196.25
All Points Cooperative	Fuel/Propane	2,729.50
American Girl	Subscription	22.95

Axis Capital	Mail Machine Payment	527.37
B & D Office City	Supplies/Fax Machine	499.80
Barmore Drug Store, Inc.	Supplies	286.87
Best Books	Books	603.31
Bob's Auto Repair & Service	EL/WR/ST Repair	974.80
Business Week	Subscription	60.00
Buysm Sod	Sod	255.00
Card Center/Orscheln	WR/WWTP/PK Supplies	106.99
Case Credit Advantage	WWTP Repair	2,423.28
Cash-Wa Distributing	Supplies	181.65
Central Garage Fund	Fuel	10,225.51
Community Redevelopment Auth	TIF Payment	10,000.00
Concrete Saw & Core	Pool Service	774.00
Culligan Water Conditioning Co.	Soft Water Supplies	160.81
Dan's Sanitation	Sanitation Fees	10,915.00
Davis Energy, Inc.	Fuel	5,451.50
Dawson Area Development	ABLE Housing Project	12,493.06
Dawson County Public Power	Power Purchase	6,976.12
Dawson County Register of Deeds	Filing Fees	12.50
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,228.90
Diamond Vogel Paint	ST Supplies	628.50
Dugan Business Forms	Supplies	681.19
Eakes Office Plus	Copies	734.38
Electric Fixture	ST Supplies	154.33
Eustis Body Shop	Repair	627.45
EZ Liner Industries	Supplies	40.32
Fastenal	Supplies	24.06
Fed Ex	Shipping Charge	93.84
Fisher Scientific	Testing Supplies	720.11
Fox Bros. Hay Co., Inc.	Tree Grinding	3,088.14
FYR-TEK	Fire Dept. Supplies	535.60
G & V Inc.	House Demo/Haul Tree Grindings	4,832.50
Gale Group, The	Books	394.23
Great Plains One-Call Service	Locates	89.35
Hach Company	Testing Supplies	197.60
HD Supply Waterworks	WR Supplies	463.13
Health Claims Fund	Claims	30,649.91
Heartland Scuba Center	Scuba Tanks	1,465.00
Holbein, Dahlas	Lawn Service	55.00
Hometown Leasing	Copier Payments	561.94
Husker Ag Sales	Mower Repair	812.88
I. C. M. A.	Membership Dues	743.04
Ingram Library Services	Books	255.92
Investment Property Exchange, Inc.	13th ST Improvement	1,250.00
Jim Phillips Const.	Cement at Service Bldg.	14,946.00
Jones Plumbing & Heating	WR/ST/WWTP/POOL Spls/Rep	11,214.22
Kratzer Electric, Inc.	Fire Dept/Cemetery Service	1,189.91
League of Nebraska Municipalities	Seminar	45.00
Lexington Animal Clinic	Animal Care	1,059.30
Lex Area Solid Waste Agency	Landfill	2,964.90
Lexington Glass Co.	Repair	318.70
Lexington Newspapers, Inc.	Publications	423.13
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	42.47
Lexington, City of	Franchise/Service Fees	47,786.74

Payroll	Wages	97,423.02
Social Security	Employer Portion / FICA Med	7,211.11
First National Bank	Employer Portion / Pension	3,310.94
First National Bank	Police Pension	1,594.23
ICMA	City Manager Pension	380.00
Lift Solutions, Inc.	WR Repair	384.84
Linden's Plumbing	PK Service	35.00
Linweld	Ambulance Supplies	113.00
Luther, Ann	Seminar	77.37
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	Lib/WWTP/ST/PK Supplies	207.05
Meritain Health	Premium	17,629.05
Mid-Nebraska Printing	GGC/Office Supplies	239.41
Midlands Contracting, Inc.	CED Addition	36,480.00
Milco Environmental Services, Inc.	WWTP Service	674.10
Morris Press	Supplies	13.20
Municipal Supply	WR Supplies	119.78
NE Dept Economic Development	Orthman's CDBG Pmt.	4,042.50
NE Law Enforcement Training Ctr	Police Training Sessions	150.00
NE Public Health Environmental	WR Analysis	1,660.00
Nebraska Public Power District	Power Purchase	609,960.49
NPPD/Dawson Canal	Coverage Pump & Tap	680.40
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,341.25
NE Water Environment Assn	Membership Dues	20.00
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Newman Traffic Signs	ST Supplies	1,215.75
Overton Sand & Gravel	Gravel	278.80
Paulsen, Inc.	Concrete	587.71
Platte Valley Auto Mart	Repair	976.48
Platte Valley Communications	Service/Repair/Pagers	2,663.11
Plum Creek Auto Spa	Car Washes	19.50
Plum Creek Cleaners	Supplies	167.00
Plum Creek Market Place	Food	36.37
Plum Creek Medical Group	Police Physicals	472.00
Plum Creek Motors	Service	43.72
QPR (United States)	ST Supplies	656.82
Rasmussen Mechanical Svc Inc.	Lib. Service	2,140.00
Renner Sports Surfaces	PK Service	94.38
Roberts Dairy Company	Beverages	75.99
S & W Auto Parts, Inc.	Supplies	28.30
S & K Pumps, LLC	Sprinkler Repair	2,197.50
Security First Bank	Wilkinson Development-TIF	22,851.76
Service Master Mid Nebraska	Cleaning Service	826.50
Snell Services, Inc.	WWTP Repair	557.00
Spirituality Health	Subscription	24.95
Steve's Lock 'N Key	Service	271.44
Stobbe Welding	WR Repair	200.00
Svoboda, Alan J.	13th ST Improvement	750.00
Subway Sandwiches & Salads	Food	30.48
T. O. Haas Tire Co., Inc.	Repair/Grader Tires	3,128.61
Team Detail & Quicklube	Car Washes	193.88
Thomas Bouregy & Company, Inc.	Books	138.50
Thompson Co., The	Food	1,009.67
TierOne-Lib. Petty Cash	Postage/Seminars	40.63
Total Lawn Care	Lawn Service	1,106.00
Trans-Iowa Equipment	Central Garage Supplies	372.79

Treat America Food Services	Police Training Food	2,170.56
Tri-County Hospital	Ambulance Supplies/Wellness	407.50
U-Save Business Equipment	Postage/Supplies	250.80
University of Nebraska Press	Book	32.14
Vettronix, Inc.	Supplies	33.00
Wal-Mart	Supplies	1,057.31
Weathercraft Companies	Repair	351.95
Willard Weinhold Law Office	Professional Service	16.50
All-American Sewer/ Drain Clnng	WWTP Service	700.00
Alltel	Service	305.51
American Fence Company, Inc.	Fence for Heat Pumps	1,057.25
Anderson Graphics	Lib. Supplies	17.50
Audio Editions	Lib. Supplies	76.95
B & D Office City	Supplies	91.95
Baird Holm LLP	Professional Services	2,470.00
Baker, Jerry	Book	37.75
Brown Transfer Company	Freight Chgs.	316.82
Card Center/Orscheln	WWTP/ST Supplies	106.96
Cash-Wa Distributing	Food & Supplies	1,458.18
Central Community College	Books	102.00
Central Tire & Tread	Repair	25.00
Comm Redevelopment Authority	CRA Land Purchase	60,149.25
Conney Safety Products	PK/Cemetery Supplies	258.06
Dawson County Court	Court Fees	14.00
Demco	Lib. Supplies	117.06
Depository Trust Co.	2002 GO Bond Pmt.	142,660.00
Eakes Office Plus	Lib. Supplies	38.92
Electric Fixture	PK/EL Supplies	611.42
EMS Billing Services, Inc.	Ambulance Supplies	534.80
Fagot Refrigeration & Electric	GGC Repair/Well Service	11,251.31
Farmer Brothers Coffee	Food & Supplies	181.81
Gale Group, The	Book	22.07
Galls, Inc.	Uniform Expense	22.47
Health Claims Fund	Claims	3,887.78
Holloway, Rodney	EL Rebate	1,025.00
Ingram Library Services	Books	67.81
International Code Council, Inc.	Membership Dues	100.00
Kriz-Davis Company	EL Supplies	2,544.83
Lexington, City of ED Reuse Fund	CEL Payback	26,262.37
Lexington, City of - Housing Fund	CEL Payback	39,393.56
Lexington Newspapers, Inc.	Publications	92.60
Lien Lawn Services	Lawn Service	410.00
Livingston, Jeff	EL Rebate	125.00
Mead Lumber & Rental-Lexington	PK Supplies	25.99
MES-MIDAM	Fire Dept. Supplies	967.65
Michael Todd & Co., Inc	WR Supplies	153.23
Mid-Nebraska Food Bank	Food & Supplies	42.12
Mid-State Units	Rental	555.00
Milco Environmental Services, Inc.	SPCC Plan at Serv. Bldg.	2,986.80
Misko Sporting Goods	PK Supplies	893.93
Nebraska Department of Revenue	Sales & Use Tax	36,705.04
Nebraska Public Power District	O&M	75,000.00
Nebraska Public Power District	O&M True-up/Kugler/Scada	192,481.28
Pantoja, Jesus	EL Rebate	1,025.00
Plum Creek Cleaners	Supplies	39.00
Plum Creek Market Place	Food & Supplies	7.64
Plum Creek Promotions	Youth T-Shirts	627.20

Roberts Dairy Company	Beverages	360.81
Saballos, Jose	EL Rebate	425.00
Santoyo, Rafael	EL Rebate	125.00
Sign Pro	Letters	100.00
Source Gas, LLC	Gas Service	5,893.83
Thompson, Co., The	Food & Supplies	650.00
TierOne-City Petty Cash	Food/Postage/Uniform Expense	73.05
TierOne-Library Petty Cash	Postage	34.23
Tri-County Shrine	Promotion	100.00
Tyler Technologies	Professional Services	12,504.07
U-Save Business Equipment	Supplies	40.73
Wal-Mart	Supplies	25.64
Wall Street Journal, The	Subscription	249.00
Ward Laboratories	Lab Tests	13.00
Whitson, Inc.	Books	45.90
	TOTAL CLAIMS:	1,658,418.23

PUBLIC HEARING: Mayor Fagot opened the public hearing for the Council to consider a “D” Liquor License Application by Hi Times Liquor Mart LLC dba Hi Times Liquor Mart #2. Linda Shivelbein noted that the company is changing from a corporation to a limited liability company, which requires a change in their liquor license. Council member Tomasek noted that the local business was recently cited for selling to minors. Shivelbein reported that the employee involved was immediately terminated and reiterated that they have a zero tolerance policy. The public hearing was closed. Moved by Miller, seconded by Tomasek, to recommend approval to the Liquor Control Commission of the application for a “D” Liquor License application by Hi Times Liquor Mart LLC dba Hi Times Liquor Mart #2. Roll call. Voting “aye” were Tomasek, Miller, Fagot. Motion carried.

**CDBG APPLICATION:
ED RE-USE FUND** Mayor Fagot opened the public hearing to consider an application to the CDBG ED Re-use fund by the City of Lexington for \$600,000. Peplitsch explained that the requested funds would be used to purchase of the former Wal-Mart building, and a plan to repay the loan funds. The public hearing was closed. Following discussion, moved by Miller, seconded by Tomasek, to approve the application to the CDBG Economic Development Re-Use fund for \$600,000.00. Roll call. Voting “aye” were Tomasek, Miller, Fagot. Motion carried.

**CDBG APPLICATION:
HOUSING RE-USE FUND** Mayor Fagot opened the public hearing to consider an application to the CDBG Housing Reuse Fund by the City of Lexington in the amount of \$50,000. Peplitsch explained that the funds would be used to help establish a speculative house risk sharing program, to be administered by DAD on behalf of the City of Lexington. The funds would be available to home builders to provide short term interest assistance on spec home construction. Peplitsch reviewed the guidelines for the program and noted that the cities of Cozad and Gothenburg will also be participating with similar investment. The public hearing was closed. Following discussion, moved by Tomasek, seconded by Miller, to approve the application to the CDBG Housing Reuse by the City of Lexington in the amount of \$50,000.00. Roll call. Voting “aye” were Miller, Tomasek, Fagot. Motion carried.

MONROE ST IMP: Deb Jensen, DAD, requested approval of special condition documentation related to CDBG 07-PW-015, Monroe Street Improvements. Following discussion of the special conditions, moved by Miller, seconded by Tomasek, to approve the documentation and authorize the Mayor and City Manager to execute the documents related to CDBG 07-PW-015, Monroe

Street Improvements. Roll call. Voting “aye” were Tomasek, Miller, Fagot. Motion carried.

GRANT SERVICES:

Pepplitsch requested Council approval to procure grant administrative services for CDBG 07-PW-015, Monroe Street Improvements. He explained that one proposal was received from DAD, in the amount of \$11,700. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Manager to procure grant administrative services from DAD for the project. Roll call. Voting “aye” were Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested Council approval of Pay Request #2 from Paulsen, Inc. in the amount of \$26,892.00 for the CED Addition Paving Improvements project. Following an update of the project, moved by Tomasek, seconded by Miller, to approve the pay request in the amount of \$26,892.00. Roll call. Voting “aye” were Miller, Tomasek, Fagot. Motion carried.

RESOLUTION:

Pepplitsch presented a request from Dan’s Sanitation to amend the solid waste collection fuel surcharge. Following discussion, Resolution 08-12 was read. Moved by Tomasek, seconded by Miller, to approve Resolution 08-12. Roll call. Voting “aye” were Miller, Tomasek, Fagot. Motion carried.

RESOLUTION 08-12

WHEREAS, fuel fees have increased due to uncertain market conditions, thereby increasing the cost of operating the trash collection service for The City of Lexington.

BE IT THEREFORE RESOLVED, that effective June 1, 2008, a fuel cost adjustment fee will be charged to residential solid waste collection customers within the City of Lexington and shall be at the rate of \$1.05 per month.

BE IT FURTHER RESOLVED, that the fuel cost adjustment shall be monitored by the Lexington City Manager, and eliminated upon determination that the charge is no longer appropriate.

PASSED AND APPROVED this 13th day of May, 2008.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

ROUNDTABLE:

Pepplitsch, Daniels, and Burnside provided project updates on various projects including: W 13th Street Improvements, Greenwood Cemetery expansion, Hike/Bike Trail, NW Detention Cell, Spring Creek Box Culvert, Plum Creek Park Shelter, Memorial Park lighting, water heating upgrade at the Aquatic Center.

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