

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 27, 2008, 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 Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Paul Pack, Dave and Tammy Gordon, Dick and Arletta Childress, and Marilyn Hersh.

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 5-13-08 Minutes of the Regular meeting held Tuesday, May 13, 2008, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

MINUTES – JOINT MTG: SCHOOL BD 5-13-08 Minutes of the Joint City/School Board meeting held Tuesday, May 13, 2008, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,038,008.42 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$810,534.29 from the General Fund, \$19,631.82 from TIF, \$75.15 from Housing Reuse, \$148,542.71 from LEXUS, \$25,630.09 from Sanitation, \$16,327.57 from Ambulance Fund, \$9,700.55 from Health Fund, and \$7,566.24 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 27, 2008**

AFLAC	Premium	844.16
All Points Cooperative	Fuel	365.76
Alltel	Service	170.49
American Red Cross Ft. Kearney Chapter	Book	34.99
Automotive Sales & Service Co.	Central Garage Supplies	2,918.75

B & D Office City	WR Supplies	93.14
Barco Municipal Products	ST Supplies	1,163.06
Business Card	Supplies/Food/Swimsuits	3,490.78
Business Office Systems of Nebraska	Postage Change	288.90
Card Center/Orscheln	EL/WWTP Supplies	208.82
Cash-Wa Distributing	Food & Supplies	5,913.11
Central Fire & Safety, Inc.	GGC Service	492.50
Central Garage Fund	Repair/Service	6,969.24
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	1,300.00
Community Redevelopment Authority	TIF	2,547.33
Conney Safety Products	Glasses/Pool Supplies	238.00
Davis Energy, Inc.	Fuel	9,466.45
Dawson Area Development	Advertising	750.00
Dawson County Red Cross	Seminar	44.97
Dawson County Surveyor	Map	111.00
Dos Mundos	Subscription	40.00
Electric Fixture	PK Supplies	502.66
Fifth Street Automotive	Vehicle Maint.	224.57
Flowers of Joy	Supplies	42.00
G & V Inc.	Pedestrian Trail Work/Haul Waste	4,097.50
Gale Group, The	Books	70.20
Galls, Inc.	Police Supplies	12.50
Hawkins, Inc.	Pool Supplies	667.20
HD Supply Waterworks	WR Supplies/Repair	260.86
Health Claims Fund	Claims	7,563.64
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Home Federal Savings	Ambulance Payment	16,157.57
HR Specialist: Employment Law	Subscription	290.00
Husker Ag Sales	WWTP Mower/Central Garage	4,573.94
I.C.M.A.	Membership Dues	400.00
Ingram Library Services	Books	936.72
Jack's Uniforms and Equipment	Police Supplies	429.00
Jim Phillips Construction	ST/WR Mains Repair	12,870.00
Knapp Electric	WWTP Supplies	995.52
Kriz-Davis Company	EL Supplies	870.34
Landis, Donald	EL Rebate	1,025.00
League of Nebraska Municipalities	Conference	215.00
Lexington Newspapers	Publications	270.34
Lexington Recreation Program	Pool/Rec Start-Up/Umpire Fees	3,980.00
Lexington True Value	ST/Cemetery Supplies	37.26
Lexington Utilities System	Utilities	26,534.86
Lexington Volunteer Fire Dept.	Fire School	4,525.85
Payroll	Wages	100,932.32
Social Security	Employer Portion / FICA Med	7,506.97
First National Bank	Employer Portion / Pension	3,272.65
First National Bank	Police Pension	1,608.70
Health Fund	Insurance Premiums	21,972.83
ICMA	City Manager Pension	380.00
Lincoln Memorial Floral Shop	Supplies	40.00
Liquid Engineering Corporation	WR Tower Maintenance	4,964.80
Mac's Short Stop	Food	44.27
McCookNet Internet Service	Server Back-up/Burner	4,033.88
Mead Lumber & Rental-Lexington	WWTP/Pool/PK Supplies	1,350.97
Miller & Associates	Professional Services	800.00
Misko Sporting Goods	PK Supplies	104.94
Morris Press	Supplies	470.39
Municipal Supply	WR Supplies	297.89

Nebraska Machinery	WWTP Repairs	964.19
Nebraska Public Health Environmental Lab	WR Analysis	2,412.00
Nebraska Waste Handlers	Sludge Removal	5,372.80
Neopost	Postage	1,500.00
Overton Community Center	Meals On Wheels	100.00
Oxbow Construction	WWTP Service	675.00
Paulsen, Inc.	Concrete	2,355.43
Peak Interest	Food	40.47
Plum Creek Market Place	Food	57.73
Public Safety Center, Inc.	Fire Supplies	385.92
Roberts Dairy Company	Beverages	140.75
S & W Auto Parts, Inc.	Central Garage Supplies	616.86
Service Master Mid Nebraska	Lib./GGC Cleaning Service	2,027.50
Source Gas, LLC	Gas Service	409.79
State Wide Collections	Collection Fees	55.74
Sterling West	PK Supplies	2,617.00
T. L. Sund Constructors, Inc.	Concrete Work-Plum Creek PK	688.50
T. O. Haas Tire Co., Inc.	Tires	302.50
TASC	Premium	174.80
Team Detail & Quicklube	Vehicle Maintenance	92.96
Thompson Co., The	Food	202.66
TierOne-Lib. Petty Cash	Postage/Food	39.04
U-Save Business Equipment	Supplies/Postage	396.34
Utility Equipment	WR Supplies	1,628.29
Wal-Mart	Supplies	984.62
Ward Laboratories	Lab Tests	13.00
Wesco Distribution, Inc.	EL Supplies	604.25
Will Weinhold Trust Account	Wal-Mart Property	600,714.25
Associated Supply Company, Inc.	Pool Chemicals	5,190.41
Bottom Line Personal	Subscription	39.00
Card Center/Orscheln	WWTP/WR Supplies	285.89
Cash-Wa Distributing	Food & Supplies	1,034.49
Concrete Workers, Inc.	Wesleyan Subdivision	17,084.49
Dan's Sanitation	Sanitation Fees	25,630.09
Diaz, Salomon	Lawn Service	95.00
Electric Fixture	WR Supplies	118.66
Farmer Brothers Coffee	Food & Supplies	267.41
Gale Group, The	Books	237.32
Health Claims Fund	Claims	1,117.95
Holiday Inn	Fire School	2,640.00
League of Nebraska Municipalities	Conference Fees	605.00
Lexington, City of	Franchise Fees	45,066.28
Lexington, City of	TIF - Wesleyan Paving	17,084.49
Lexington Newspapers	Publications	475.15
Mac's Short Stop	Food	233.31
Naumann, Sondra	Cleaning Service	108.00
Roberts Dairy Company	Beverages	131.27
Thompson Co., The	Food Credit	-90.18
TierOne-City Petty Cash	Postage/Food	51.78
Tyler Technologies	Financial Software	21,351.00
Wal-Mart	Supplies	44.63
	TOTAL CLAIMS:	1,038,008.42

PUBLIC HEARING:

Mayor Fagot opened the public hearing for the Council to consider a special use permit application by Viaero Wireless to construct an 85 +/- foot tower for wireless telecommunications in a A-2 Urban Reserve Zone, located at 305 East 20th, approximately 200 feet east of the intersection of 20th and Polk

Streets. Peplitsch noted that staff from Viaero Wireless requested that the public hearing for the special use permit application be tabled until the council meeting scheduled for June 24, 2008 so that they may address other concerns of the council not related to the special use permit application. Dave Gordon, 2002 Polk, addressed the Council and spoke against the proposed tower, citing a hindrance to the development of housing near the proposed site and the number of telecommunication towers needed in Lexington. Arletta Childress also spoke against the application. Moved by Salem, seconded by Miller, to table the public hearing to June 24, 2008, council meeting at 5:30 pm. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

HAVEN HOUSE:

Marilyn Hersh, chairman of the board for the Community Service Center Inc., appeared before the Council to request the final \$5,000 commitment from the City for Haven House. She gave a brief summary of the programs that Haven House offers. Following discussion, moved by Miller, seconded by Bennett, to authorize the final payment of \$5,000 of the three year city commitment to funding Haven House. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the public hearing to consider a report from the Citizens Advisory Review Committee. Peplitsch, representing the committee, reviewed the revenue and expense report of the sales tax program. He noted that the program is set to sunset in 2010. The committee did not have any findings or recommendations. Following discussion, moved by Tomasek, seconded by Salem, to accept the report from the Citizens Advisory Review Committee. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

SKATE PARK:

Burnside presented a proposed skate park improvement plan for Arbor Park. Paul Pack also appeared before Council and gave some insight to the design and needs of the skate park. Following discussion, moved by Salem, seconded by Tomasek, to approve the plans for the future development and to authorize staff to implement the plan. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

ORDINANCE:

An ordinance entitled "AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read by title. Moved by Tomasek, seconded by Salem, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

Ordinance No. 2249 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2249. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested council approval of Pay Request #1 from Cement Products Inc for the Pedestrian/Bike Trail project in the amount of \$41,907.15 and gave an update of the project. Moved by Tomasek, seconded by Bennett, to approve payment of the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

CHANGE ORDER:

Daniels requested council approval of Change Order #1 for the Spring Creek Reinforced Concrete Box Culvert project in the amount of \$1,605.45. He reviewed the change order 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 requested Council approval of Pay Request #1 from LJ Webb Contractor for the Spring Creek Reinforced Box Culvert. Following discussion, moved by Bennett, seconded by Salem, to approve payment of the pay request as presented. Roll call. Voting "aye" were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.

PAY REQUEST:

Daniels requested Council approval of Pay Request #2 from TL Sund Constructors for the Handicap Ramp Improvement project and gave an update of the project. Moved by Salem, seconded by Miller, to approve payment of the pay request as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch gave an update on the recent storm damage and reported that he has signed an emergency declaration of disaster to be submitted to NEMA. He also wanted to commend the staff at Tyson Fresh Meats, NPPD, and the city employees for their assistance in restoring power to the Tyson Substation. Following discussion, moved by Miller, seconded by Salem, to amend the council agenda to include an emergency declaration of disaster. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried

Pepplitsch presented the Declaration of Disaster. Following discussion, moved by Miller, seconded by Tomasek, to approve the actions of the City Manager on May 27, 2008 by ratifying the Declaration of Disaster.

Miller reported that a dedication of the Kirkpatrick Memorial park is scheduled for Friday, June 6, 2008, at 11 a.m. and gave details of the plans. She also requested updated press coverage of the Pedestrian/Bike Trail progress for public information.

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