

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 10, 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 Dorothy Davis, Sue Keith, and Diane Adams.

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 5-27-08 Minutes of the Regular meeting held Tuesday, May 27, 2008, were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

MINUTES – JOINT MTG: CO COMMISSIONERS 5-27-08 Minutes of the Joint City/Dawson County Commissioners meeting held Tuesday, May 27, 2008, were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,567,140.96 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$316,261.35 from the General Fund, \$97,756.50 from TIF, \$8,209.17 from ED Reuse, \$50,000.00 from Housing Reuse, \$1,041,180.29 from LEXUS, \$10,000.00 from Sanitation, \$1,068.75 from Landfill, \$4,099.52 from Ambulance Fund, \$29,704.64 from Health Fund, and \$8,860.74 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
June 10, 2008**

All Points Cooperative	Fuel/Insecticide/Fertilizer	5,160.63
Alltel	Service	224.81
Arnold Pool Company	Supplies	76.90
Axis Capital	Mail Machine Payment	527.37
B & D Office City	Supplies	16.98

Bob's Auto Repair & Service	Repair	158.08
Business Card	ST/EL Supplies	1,969.22
Card Center/Orscheln	ST/WWTP/EL Supplies	273.66
Cash-Wa Distributing	Supplies/Food	5,983.41
Central Garage Fund	Fuel	13,661.66
Coca Cola/Dr. Pepper Bottling of Kearney	Beverages	2,436.00
Community Service Center, Inc.	Bridge Fund-Haven House	5,000.00
Cook's Illustrated	Subscription	24.95
Culligan Water Conditioning Co.	Soft Water Supplies	170.01
Dan's Sanitation	Sanitation Fees	11,051.24
DAS Manufacturing, Inc.	Supplies	260.76
Davis Energy, Inc.	Fuel/Propane	8,951.84
Dawson Area Development	Spec House Risk Sharing Program	50,000.00
Dawson County Handibus	Transportation	38.00
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,228.90
Demco	Lib. Supplies	76.46
Depository Trust Co.	08 GO Bond /03 Combined Util Bond	129,817.21
Diamond Vogel Paint	Rec/ST Supplies	1,573.20
Electric Fixture	Rec/ST/EL Supplies	187.15
Fagot Refrigeration & Electric	Rec/Pool/WR/WWTPRepair/Service	9,038.68
Fastenal	Supplies	35.27
Fireguard, Inc.	Fire Dept. Supplies	223.30
Gale Group, The	Book	23.37
Great Plains One-Call Service	Locates	98.26
Hawkins, Inc.	Chemicals	622.20
Health Claims Fund	Claims	10,582.72
Holbein, Dahlas	Lawn Service	410.00
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	150.45
Jones Plumbing & Heating	GGC/WWTP/WR/POOL Spls/Repair	2,886.64
K-Lawn	Lawn Care	44.55
KNOP-TV	Advertisements	317.50
Kratzer Electric, Inc.	PK Service	1,018.25
Learning Connections, Inc.	Lib. Supplies	39.95
Lexington Animal Clinic	Animal Care	887.20
Lexington Glass Co.	Repair	225.00
Lexington Newspapers, Inc.	Publications	374.61
Lexington Postmaster	Postage	150.00
Lexington Recreation Program	Support Personnel	200.00
Lexington True Value	Pool/WWTP/WR Supplies	41.48
Lexington, City of	GGC for Mtg. Food	126.93
Lexington, City of	Franchise/Service Fees	47,752.88
Lexington City Payroll Account		
Payroll	Wages	119,379.68
Social Security	Employer Portion / FICA Med	8,920.74
First National Bank	Employer Portion / Pension	3,597.85
First National Bank	Police Pension	1,778.45
Health Fund	Insurance Premiums	41,865.86
ICMA	City Manager Pension	392.30
Lien Lawn Services	PK Supplies/Lot Clean-up	4,964.30
Lisa's Instant Print Service, Inc.	GGC Supplies	94.25
Lynn Peavey Company	Police Supplies	36.10
Mac's Short Stop	Rec/Pool Food	51.61
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	Ambulance/WR/PK Supplies	541.57
Meritain Health	Premium	17,254.95

Mid-Nebraska Printing	GGC Supplies	174.25
Municipal Supply	WR Supplies	355.08
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Public Power District	Power Purchase	570,578.10
Nebraska Public Power District	Kugler Feeder Conv/22 Lot Sbdvsn	129,883.33
Nebraska Public Power District	O & M	75,000.00
Nebraska Waste Handlers	Sludge Removal	6,883.90
Nelson, Margie	Cleaning Service	500.00
Newsweek	Subscription	23.00
Platte Valley Communications	Service/Phones/Siren	6,254.95
Plum Creek Cleaners	Supplies	235.00
Plum Creek Market Place	Food	53.08
Plum Creek Promotions	Rec. Shirts	2,188.01
Roberts Dairy Company	Beverages	326.81
Rodale, Inc.	Books	82.88
Source Master Mid Nebraska	Cleaning Service	821.25
Source Gas, LLC	Gas Service	10,502.81
Stobbe Welding	ST Repair	60.00
Sunland Books, Inc.	Books	424.14
T. L. Sund Constructors, Inc.	Plum Creek PK. Shelter	36,113.00
T. O. Haas Tire Co., Inc.	Tires	165.50
T & R Service	EL Supplies	803.00
Taste of Home	Book	57.96
Team Detail & Quicklube	Car Wash	26.73
Terryberry	Fire Dept. Supplies	77.32
Thompson Co., The	Food	1,175.05
TierOne-Lib. Petty Cash	Postage	37.91
Total Lawn Care	Lawn Service	3,761.50
Tri-City Tribune	Publication	105.00
Tyler Technologies	Professional Services	1,920.00
U-Save Business Equipment	Supplies	54.00
Wal-Mart	Supplies	644.55
Ward Laboratories	Lab Tests	13.00
Alvin Morrison Co.	Cemetery Supplies	153.72
Anderson Graphics	Lib. Supplies	17.50
Automotive Sales & Service Co.	Central Garage Supplies	290.72
Awards Plus	Cemetery Supplies/Boy Scout Project	1,296.00
B & D Office City	Supplies	27.07
Barco Municipal Products	WR Supplies	22.38
Card Center/Orscheln	WWTP/ST/PK Supplies	380.93
Cash-Wa Distributing	Food & Supplies	1,924.69
Central Garage Fund	Service/Repairs	5,193.02
Community Redevelopment Authority	Cornhusker Energy-TIF Pmt.	97,756.50
Dan's Sanitation	Sanitation Fees	1,760.00
Dawson County Public Power	Power Purchase	6,266.96
Electric Fixture	EL Supplies	315.79
EMS Billing Services, Inc.	Ambulance Supplies	1,536.26
Eustis Body Shop	Repair	1,300.48
Galls, Inc.	Uniform Expense	16.64
Health Claims Fund	Claims	638.07
Husker Ag Sales	Central Garage Supplies	131.15
Lans, Norman	Electric Rebate	1,025.00
Lexington Boy Scout Troop #88	Promotion Expense	370.00
Lexington Newspapers, Inc.	Publications	149.44
Lexington True Value	WWTP/Cemetery Supplies	85.94
Linweld	Ambulance Supplies	116.50
Little Caesars	Food	72.00

Mac's Short Stop	Food	59.71
Mead Lumber & Rental-Lexington	PK/Cemetery Supplies	51.17
Midlands Contracting, Inc.	CED Addition	25,574.10
Mid-State Units	Rental	480.00
Midwest Laboratories, Inc.	WWTP Supplies/Landfill	2,299.40
Milco Environmental Services, Inc.	WR Testing-Landfill	965.75
Nebraska Dept of Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Department of Revenue	Sales & Use Tax	35,001.03
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,394.97
Overpayment Recovery Services	Ambulance Refunds	1,187.50
Paulsen, Inc.	Gravel	365.90
Plum Creek Market Place	Food	48.57
S & W Auto Parts, Inc.	Central Garage/Police Supplies	965.40
Sarnes, Cathy	Car Wash/Paint Removed	107.00
Schwan's Sales Ent	Food	83.13
Service Master Mid Nebraska	Cleaning Service	759.51
Sign Pro	PK Supplies	585.00
Swartz, Jason	School Expense	444.40
T. O. Haas Tire Co., Inc.	Repair	81.38
TierOne-City Petty Cash	Postage/Supplies	38.08
TierOne-Library Petty Cash	Postage	3.00
U-Save Business Equipment	Postage	6.60
Unique Books, Inc.	Books	524.22
Wal-Mart	Supplies	34.82
West Central Nebraska Development	Membership	4,000.00
	TOTAL CLAIMS:	1,567,140.96

HABITAT FOR HUMANITY: Dorothy Davis, Executive Director of Central Nebraska Habitat for Humanity, appeared before the Council to request \$15,000 in the next fiscal year budget to assist in establishing a local chapter of Habitat for Humanity. She explained the program and how the city funding would be utilized. She noted that the requested funds from the city would be used for administrative and overhead costs in establishing and training the local chapter. Following discussion, the Council asked that this item be placed on the next council agenda so that they may ascertain the interest of the public on this issue.

LIQUOR LICENSE: Sue Keith, Manager of Mid Plains Food & Lodging Inc dba Conoco Travel Plaza, appeared before the Council on behalf of Jeff Moore. She explained, that due to changes in management within the company, they are required by the Liquor Control Commission to update their liquor license. Following discussion, moved by Miller, seconded by Tomasek, to approve the manager application for Jeff Moore for Mid-Plains Food & Lodging Inc dba Conoco Travel Plaza. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

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 Miller, seconded by Bennett, to approve a waiver of the PILOT agreement for the current fiscal year. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

SOCCER FIELDS: Dana Daniels requested Council consideration of plans and specifications for the Optimist Complex Soccer Field Improvement project and authorization to solicit bids for fine grading, seeding, and irrigation system for the fields. Following discussion, moved by Miller, seconded by Tomasek, to approve plans and specifications of the project as outlined and authorize solicitation

of bids. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

ORDINANCE:

An ordinance entitled “AN ORDINANCE TO AMEND SECTION 20-3 OF THE LEXINGTON CITY CODE; TO RECOGNIZE THE GIFT OF LAND BY THE KIRKPATRICK FAMILY BY RENAMING A CITY PARK AS KIRKPATRICK MEMORIAL PARK; TO REPEAL ORIGINAL SECTION 20-3 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read by title. Moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2250 was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2250. Roll call. Voting “aye” were, Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

SUBSTATION TRANFORMER:

Pepplitsch requested Council approval on the acquisition of an additional transformer for the East Walnut Substation. He explained that this substation serves several of the industries in the area and an additional transformer would assist with increasing loads, and contingency operations per the distribution plan. As the delivery date is for 12 months, authorization is needed at this time to complete the project. Following discussion, moved by Tomasek, seconded by Miller, to authorize the transformer acquisition as presented. Roll call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

34.5 KV TRANSMISSION LINE:

Pepplitsch requested Council approval to construct a new 34.5 KV Electric Transmission Line from the East Lexington Substation. This would be a second circuit from the East Lexington Substation to serve the north part of Lexington and to provide contingency capacity. Following discussion, moved by Tomasek, seconded by Bennett, to authorize the transmission line project as presented. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION:

Resolution No. 08-14 was read. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 08-14. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 08-14

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska (the “City”), as follows:

Section 1. The Mayor and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City’s reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City’s official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is given:

1. A general functional description of the projects for which expenditures may be made and reimbursement from bond proceeds provided are as follows:

15 MVA Electrical Substation Transformer and installation
34.5 kv Electrical Transmission Line
4.16 kv to 13.8 kv Electrical System Conversion

2. The maximum principal amount of debt expected to be issued for such projects are as follows:

\$1,200,000 for 15 MVA Electrical Substation Transformer and installation
\$1,200,000 for 34.5 kv Electrical Transmission Line
\$800,000 for 4.16 kv to 13.8 kv Electrical System Conversion

PASSED AND APPROVED this 10th day of June, 2008.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**WEST CENTRAL AREA
AGENCY ON AGING:**

Pepplitsch presented Council with the operating contract for the Grand Generation Center Meals and Operations for Fiscal Year 2009. Following his review of the contracts and program, Weinhold noted that the wording on the contract "a private non-profit corporation" should be changed to read "a municipal corporation" as this language is outdated. Following discussion, moved by Miller, seconded by Tomasek, to approve the contracts as amended and to authorize the Chairman of the Board to execute the contracts. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST:

Daniels requested Council approval of Pay Request #2 from Adams Construction in the amount of \$36,401.98 for the NW Detention Cell project and gave an update of several projects. Moved by Bennett, seconded by Tomasek, to approve payment of the pay request as presented. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

PLANNING SESSION:

Pepplitsch requested Council consideration of setting a date for a planning session to discuss several current and future projects. Following discussion, moved by Tomasek, seconded by Bennett, to set a council planning session for Saturday, June 28, 2008, at 8 a.m. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch requested topics for the planning session scheduled for June 28, 2008. He also reported that ABLE will be requesting an extension of the CDBG housing loan to continue the high school housing construction project for another year. He advised that the NCMA conference is being held June 11-13 in Lexington. He gave an update of the recent storm damage and the activities of FEMA. He also reported that he recently met with the Optimists to discuss long-term plans for the Optimist Rec Complex.

Tomasek requested an update on the city's plans to control mosquitoes for the summer, which Pepplitsch provided.

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