

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 27, 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 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 and Deputy City Clerk Pam Berke. Other city officials attending were Barb Mills, Finance Director and Police Chief Charlie Clark. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of the Clipper-Herald.

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 3-13-07 Minutes of the Regular meeting held Tuesday, March 13, 2007, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion Carried.

MINUTES – PLANNING SESSION 03-24-07 Minutes of the Planning Session held Saturday, March 24, 2007 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 \$328,697.98 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 \$132,218.08 from the General Fund, \$10,000.00 from TIF, \$100.00 from Housing Reuse, \$135,856.03 from LEXUS, \$23,859.66 from Sanitation, \$13,886.95 from Landfill, \$729.45 from Ambulance Fund, \$6,175.60 from Health Fund, and \$5,872.21 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
March 27, 2007

All Points Cooperative	Fuel / Supplies	651.30
Alltel	Cellphone Service	345.22
B&D Office City	Office Supplies	15.90
Business Card	Supplies / Conference / Seminars	961.16
Card Center/Orscheln	Supplies	89.99

Case Credit Advantage	WWTP Supplies	25.90
Cash-Wa Distributing	Food & Supplies	1,271.21
Central Garage Fund	Repairs / Service	4,987.47
Certified Laboratories	Central Garage Supplies	494.64
Dawson Area Development	CDBG / GGC	5,000.00
Dawson County Handibus	Transportation	22.00
Demco	Library Supplies	246.50
Eakes Office Plus	Office Supplies	186.67
Family Eyewear	Safety Glasses	140.00
Farmer Brothers Coffee	Food & Supplies	31.24
Force America, Inc.	Central Garage Supplies	481.75
Gale Group, The	Books	44.14
HD Supply Waterworks	Water Supplies	72.54
H. O. Smith Co.	Title Certificate	100.00
Health Claims Fund	Claims	4,078.71
Hipp Wholesale Foods, Inc.	Food & Supplies	763.30
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Ingram Library Services	Books	902.01
Keep Lexington Beautiful	Wal-Mart Donation	250.00
Kemps-Gillette	Beverages	192.22
Lakeside Country Club	Membership	892.00
League of Nebraska Municipalities	Conference	140.00
Lexington Boy Scouts Troop 88	Recycling	18.00
Lexington Boy Scouts Troop 144	Recycling	18.00
Lexington Girl Scouts	Recycling	36.00
Lexington Newspapers, Inc.	Publications	367.10
Lexington Utilities Systems	Utilities	23,600.79
Payroll	Wages	101,913.30
Social Security	Employer Portion / FICA Med	7,555.24
First National Bank	Employer Portion / Pension	3,663.02
First National Bank	Police Pension	1,295.90
ICMA	City Manager Pension	356.81
Lexington True Value	Supplies	198.15
Marquez, Alejandra R.	Utility Refund	49.01
McCookNet Internet Service	Service	139.00
Mead Lumber	Supplies	27.31
Mead Rental Center	Central Garage Supplies	76.93
Mid-Nebraska Food Bank	Food & Supplies	44.28
Mid-Nebraska Printing	Office Supplies / Copies	356.70
Milco Environmental Services, Inc.	Water Analysis / Disposal Site	10,629.95
Miller & Associates	Retainer Service	800.00
Mr. Automotive	Central Garage Supplies	28.33
Municipal Supply	Water Supplies	525.52
NE Conf of Building Officials & Inspectors	Membership	115.00
Nebraska Dept. of HHS Laboratory	Water Testing	2,111.00
Nebraska Library Association	Conference/Seminars/Membership	75.00
Nebraska Machinery	Central Garage Supplies	170.24
Neopost	Postage	1,500.00
Overton Community Center	Meals on Wheels	100.00
Pace Analytical	Landfill Water Analysis	3,257.00
Platte Valley Auto Mart	Central Garage Supplies	106.23
Plum Creek Market Place	Food	19.67
Plum Creek Motors	Service / Parts	331.13
Plum Creek Telephone Systems	Phone Repair	65.00
Randy Hood Salvage	Special Waste Expense	100.00
S & W Auto Parts, Inc.	Central Garage Supplies	1,083.42
Service Master Mid Nebraska	Library Cleaning Service	742.50

Sign Pro	Library Supplies	223.50
T. O. Haas Tire Co., Inc.	Repair	127.05
Tep's	Food	36.59
TierOne-Lib. Petty Cash	Postage	21.64
U-Save Business Equipment	Office Supplies	445.29
Wal-Mart	Supplies	268.08
Wesco Distribution, Inc.	Electric Supplies	3,006.18
All Points Cooperative	Fuel	39.70
Barco Municipal Products	Water Supplies	193.71
Berke, Pam	Conference / Seminars	90.21
Brown Traffic Products	Electric Poles / Supplies	1,420.84
Card Center/Orscheln	Electric / Park / WWTP Supplies	255.81
Community Redevelopment Authority	TIF Payment to CRA	10,000.00
Conney Safety Products	Street / Parks / Supplies	373.35
Dan's Sanitation	Sanitation Fees	23,859.66
Davis Energy, Inc.	Fuel	188.98
Dawson Pest Control	GGC Service	27.00
Designer Craft Woodworking	Council Chamber Remodel	1,920.00
Eakes Office Plus	Library Supplies	396.36
Egan Supply Company	Street Supplies	34.74
Electric Fixture	Electric / Street Supplies	91.66
Flowers of Joy	Office Supplies	47.08
Galls, Inc.	Police Supplies	43.99
Gempler's, Inc.	Uniform Expense	297.85
Health Claims Fund	Claims	1,889.89
Home Federal Savings	Loader Payment	15,145.58
Ingram Library Services	Books	57.68
Jim Phillips Construction	Street Repair	1,027.00
K & K Parts Co., Inc.	Water Supplies	125.58
K Lawn	WWTP Lawn Service	3,079.81
Kratzer Electric, Inc.	Park / Electric Repair	273.00
Lexington, City of	Franchise / Service Fees	48,088.49
Lexington Newspapers, Inc.	Publications	472.15
Lexington True Value	GGC / Library Supplies	47.82
Lubberstedt, W. Wesley	Hike/BikeTrail Project	150.16
Mead Lumber	Electric/Water/WWTP/Supplies	145.35
Michael Todd & Co., Inc.	Street Supplies	270.01
Mid-Nebraska Printing	Office Supplies	23.20
Midwest Laboratories, Inc.	WWTP Testing Supplies	925.00
Municipal Supply	Water Supplies / Meters	2,514.15
Naumann, Sondra	Cleaning Service	54.00
Nebraska Forest Service	Advertising	50.00
NE Dept of Environmental Quality	Certification Renewal	150.00
Paris, Tom	Electric Dept. Repair	36.20
Paulsen, Inc.	Concrete	471.99
Plum Creek Market Place	Food	10.67
Plum Creek Auto Spa	Car Wash	6.00
Recorded Books	Book	74.20
T. L. Sund Constructors, Inc.	Electric Building Improvements	10,400.00
Tasc	Flex Plan	207.00
Swartz, Howard	Electric Rebate	1,525.00
Taste of Home Books	Book	28.98
Third Party Enviromental	Asbestos Removal / GGC	11,000.00
TierOne-City Petty Cash	Postage / Food / Ice / Car Wash	31.34
TierOne-Lib. Petty Cash	Postage	10.77
U-Save Business Equipment	Supplies	8.03
Wal-Mart	Supplies	26.12

Wengert, Allan	Electric Rebate	900.00
Wheeled Coach Industries, Inc.	Ambulance Supplies	327.14
Zlatkovsky, David	Electric Rebate	1,025.00
	TOTAL	139,858.25

PUBLIC COMMENT: Matt Fitzgerald commented on a dog attack on his 4 year old son on March 25, 2007. He presented a letter written by the boy's grandmother and pictures of the injuries. He requested that the Council review the current ordinances regarding vicious dogs. He also thanked the City Police department and the Lexington Volunteer Fire department for their response after the attack and the concern within the following days. Kevin Kunnemann expressed his concerns regarding vicious dogs in the city and the surrounding area. He urged Council to consider support of a county and/or state wide ban on such dogs. Members of the Council expressed their deep regret that such an attack occurred.

PUBLIC HEARING: Mayor Fagot opened the public hearing regarding a special use permit application by Roberts Cattle Company for feedlot expansion. Dan Roberts explained the expansion plans. Pepplitsch noted that the Planning Commission has recommended approval of the application. Following discussion, the public hearing was closed. Moved by Tomasek, seconded by Miller, to approve the special use permit application. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Salem abstained. Motion carries.

AUDIT REPORT: Linda Erickson of Contryman Associates presented the Fiscal Year 2006 Audit Report to Council, and asked the Audit Committee for their comments. An unqualified report was issued. Following discussion, moved by Tomasek, seconded by Miller, to accept the audit report as presented. Roll call. Voting "aye" were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

ORDINANCE: An ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF THE SOUTH 16.84 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 1, MacCOLL AND LEFLANG'S SECOND ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read. Following discussion, moved by Tomasek, seconded by Salem, to suspend rules regarding reading of ordinance on three separate occasions. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

Ordinance No. 2228 was again read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2228 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

SPEED LIMIT ORDINANCE: An ordinance entitled AN ORDINANCE TO AMEND SECTION 16-41 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SPEED LIMITS ON AIRPORT ROAD; TO REPEAL ORIGINAL SECTION 16-41, 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. Following discussion, moved by Tomasek, seconded by Bennett, to suspend rules regarding reading of ordinance on three separate occasions. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2229 was again read by title. Moved by Miller, seconded by Salem, to approve Ordinance No. 2229 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested Council approval of Pay Request #1 from TL Sund Constructors, Inc. in the amount of \$44,681.67 for the Handicap Ramp Project. Following discussion, moved by Miller, seconded by Bennett, to approve Pay Request #1 from TL Sund Constructors Inc. in the amount of \$44,681.67 for the Handicap Ramp Project. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

FINANCIAL REPORT: Peplitsch presented a financial report for February 2007. Following discussion, moved by Bennett, seconded by Tomasek, to accept the financial report. Roll call. Voting "aye" were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

ROUNDTABLE: Fagot, with Council concurrence, directed Staff to place an item on the next regular agenda for discussion of ordinances related to dangerous dogs.

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