

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 13, 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 Mayor John Fagot, Steve Tomasek, John Salem, Joni Bennett, and Linda Miller. 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 Pam Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Mark Czaplewski, Stan Johnson, Lance Harder, Ellen Arms, Ron Ihde, Jeannie Homan, Trent Ihde, Dakota Rima, AJ Homan, and Sam Homan.

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 10-23-07 Minutes of the Regular meeting held Tuesday, October 23, 2007, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion Carried.

MINUTES – PLANNING SESSION 10-27-07 Minutes of the Planning session held Saturday, October 27, 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.

MINUTES – SPECIAL MEETING 11-2-07 Minutes of the Special meeting held Friday, November 2, 2007, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion Carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,746,969.21 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$502,058.54 from the General Fund, \$4,847.33 from TIF, \$24,866.02 from Housing Reuse, \$1,162,970.18 from LEXUS, \$10,000.00 from Sanitation, \$2,483.68 from Ambulance Fund, \$31,283.80 from Health Fund, and \$8,459.66 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 13, 2007

Aguirre, Maria

Electric Rebate

1,025.00

Alamar Uniform Co.	Uniform Expense	57.28
All Points Cooperative	Weed Killer/Seed/WWTP Supplies	2,097.00
Alltel	Cellphone Service	144.48
Anderson Graphics	Library Supplies	17.50
Axis Capital	Mail Machine Payment	527.37
B & D Office City	Office Supplies	138.81
Baker, Jerry	Book	37.75
Bonsack, Ray	Boots	14.98
Business Card	Conference & Seminars	124.00
Business Professional Credit Management	Collection Fees	208.95
Card Center/Orscheln	Supplies	607.57
Case Credit Advantage	WWTP Repair/Service	562.89
Cash-Wa Distributing	Food/Supplies	1,134.74
Central Garage Fund	Repairs/Service/Fuel	17,808.56
Central Tire & Tread	Repair	48.00
Chavez, Armando	Boots	28.26
Community Redevelopment Authority	TIF /Environmental Assessment	4,847.33
Copier Connection, Inc.	Service Agreement	350.00
Cosmos Club	PK Clean-up	300.00
Creative Teacher, The	Library Supplies	30.38
C & S Truck & Salvage, Inc.	Central Garage Supplies	649.10
Culligan Water Conditioner Co.	Soft Water Supplies	154.41
Dan's Sanitation	Sanitation Fees	12,549.00
Davis Energy, Inc.	Fuel/Supplies	10,774.96
Dawson Area Development	ABLE Project/Housing Admin.	25,556.02
Dawson County Court	Court Fees	14.00
Dawson County Public Power	Power Purchase	6,603.78
Dawson County Register of Deeds	Filing Fees	5.50
Dawson Pest Control	GGC Service	27.00
DeBruce Grain	Scrap Tire Collection/Salt	990.03
Delta Dental of Nebraska	Premium	1,188.55
Demco	Library Supplies	486.43
Depository Trust Co.	2002 GO Bond Payment	145,110.00
Dept. of HHS/Regulation & Licensure	WR Operator License	94.00
Eakes Office Plus	EL/Library Supplies	535.24
Ebsco Subscription Service	Books	1,294.01
Ecolab	WWTP Supplies	218.69
EDM Equipment Company	Central Garage Supplies	1,617.19
Ed Roehr Safety Products	Police Supplies	76.71
Electric Fixture	PK/Library Supplies	1,695.63
Electronic Systems	Service	124.00
EMS Billing Services, Inc.	Ambulance Service	1,854.71
Eustis Body Shop	Repair	48.00
Excal Visual	Book	131.25
Fagot Refrigeration & Electric	WWTP Service/Repair	402.67
Farmer Brothers Coffee	Food & Supplies	320.56
Fastenal	WR Supplies	14.08
Fisher Scientific	WWTP Supplies	390.38
Flowers of Joy	Office Supplies	40.00
FYR-TEK	Air Tank System	7,916.93
G & V Inc.	Haul Tree Grindings	1,120.00
Gale Group, The	Books	267.99
Galls, Inc.	Police Dept. Supplies	10.49
Gengenbach, Kevin	Rental	150.00
Grand Island Multicultural Coalition	Conference/Seminars	85.00
Great Plains One-Call Service	Locates	147.75
Hach Company	WWTP Supplies	193.20

HD Supply Waterworks	WR Supplies	5,098.11
Health Claims Fund	Claims	29,371.55
Holbein, Dahlas D.	Lawn Care	150.00
Hometown Leasing	Copier Payments	561.94
Hueftle Flooring, Inc.	ST Supplies	194.00
Hunt Cleaners, Inc.	ST/WR Supplies	375.51
Ingram Library Services	Books	1,633.35
International Code Council	Books	88.50
Jim Phillips Const.	ST Repair	1,201.00
Job's Daughters	PK Clean-up	300.00
Jones Plumbing & Heating	Supplies/Repairs	1,968.91
Kirkham Michael	Rural Viaduct Study	13,950.00
Kiwanis	PK Clean-up	100.00
Knapp Electric	WWTP Pump Repair	1,706.12
Kriz-Davis Company	WR Supplies	155.16
Lerner Publishing Group	Books	113.01
Lexington Animal Clinic	Animal Care	1,067.20
Lexington Area Solid Waste Agency	Landfill	1,842.42
Lexington Eagles Club	PK Clean-up	300.00
Lexington Glass Co.	ST/Library Repair	554.95
Lexington Health Fund	Self-funding	30,615.80
Lexington Newspapers, Inc.	Publications	1,294.17
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto	Central Garage Supplies	50.00
Lexington True Value	GGC/Fire Supplies	76.47
Lexington Volunteer Fire Dept.	Conference/Seminars	2,107.70
Lexington, City of	Franchise/Service Fees	47,831.76
Payroll	Wages	88,221.85
Social Security	Employer Portion / FICA Med	6,526.27
First National Bank	Employer Portion / Pension	2,867.52
First National Bank	Police Pension	1,318.50
ICMA	City Manager Pension	413.07
Payroll	Wages	89,199.55
Social Security	Employer Portion / FICA Med	6,598.37
First National Bank	Employer Portion / Pension	2,854.06
First National Bank	Police Pension	1,394.33
ICMA	City Manager Pension	413.07
Linden's Plumbing	PK Service	39.00
Linweld	Ambulance Supplies	82.98
Lion's Club	PK Clean-up	300.00
Loudon's of Lexington	Boots	128.00
Lundeen-Isaacson, Inc.	Premium	264.00
McCookNet Internet Service	Service	859.00
Mead Lumber & Rental-Lexington	WWTP/PK/WR/Supplies	1,192.01
Meritain Health	Premium	16,470.31
Midlands Contracting, Inc.	WR Valve Replace 6th & Wash.	12,974.82
Mid-Nebraska Printing	GGC Copies/WR Supplies	330.19
Mid-State Units	Rental	240.00
Miller & Associates	Retainer/Memorial Park WR Imp	6,183.84
Municipal Supply	WR Supplies	582.61
Munoz, Jose	Electric Rebate	900.00
Nebraska Public Power District	O&M	350,804.65
Nebraska Public Power District	CED Addn/Energy Grain Facility	82,870.19
Nebraska Public Power District	Power Purchase	504,996.84
Nebraska Tech & Telecom, Inc.	Telephone Expense	1,304.86
Nebraska Waste Handlers	Sludge Removal	6,205.00
Nelson, Margie L.	Cleaning Service	500.00

Nelson, Thomas R.	Conference/Seminars	69.84
Neopost	Postage	1,500.00
Nutrition Action Healthletter	Subscription	10.00
Ogallala Comfort Inn	Conference/Seminars	967.80
Omaha Standard Truck EQ	Central Garage Supplies	99.98
Overton Sand & Gravel	Gravel	27.71
Oxbow Construction	Equipment Repair	1,468.00
Oxmoor House	Book	38.91
Paulsen, Inc.	Concrete	372.12
Peak Interest	Food	47.97
Platte Valley Auto Mart	Central Garage Supplies	86.05
Platte Valley Communications	Repairs/Maint.	1,625.10
Plum Creek Bank	Fire Pumper Payment	50,573.61
Plum Creek Market Place	Food	18.76
Plum Creek Promotions	Shirts	919.32
QPR (United States)	ST Supplies	700.26
Random House Direct	Book	24.90
Random House, Inc.	Book	93.50
Rasmussen Mechanical Service Corp.	Library Service/Repair	1,091.36
Reminisce	Subscription	18.00
Resource Management Co., Inc.	Scrap Tire Collection	13,064.92
Roberts Dairy Company	Beverages	360.59
Rockmount Research & Alloys, Inc.	Books	950.58
S & W Auto Parts, Inc.	Supplies	1,287.93
Scholastic Inc.	Books	813.35
Service Master Mid Nebraska	Cleaning Service	742.50
Sign Pro	Christmas Banners	1,079.00
Solis, Ana	Electric Rebate	1,025.00
SourceGas, Inc.	Gas Service	190.77
Specialty Electric	EL Bldg. Fixtures	9,498.00
St. Ann's Catholic Youth	PK Clean-up	200.00
Stone, Anne M.	Utility Refund	50.96
Summit Supply Corporation	PK Supplies	422.00
TASC	Premium	172.20
Taste of Home Books	Book	28.98
Team Detail & Quicklube	Car Detail	205.00
Thomas Bouregy & Company, Inc.	Books	138.50
Thompson Co., The	Food & Supplies	2,206.95
Thomsen, Kathleen	Conference/Seminars	77.60
TierOne-Lib. Petty Cash	Postage	48.35
Total Lawn Care	Lawn Care	3,035.00
Tri-City Tribune	Publications/Subscription	554.50
Tri-County Hospital	Wellness	176.00
Trinity Lutheran Youth	PK Clean-up	100.00
U-Save Business Equipment	Postage	12.21
United Methodist Youth Group	PK Clean-up	300.00
UNO Public Administration	Conference/Seminars	150.00
Upstart	Library Supplies	29.35
Utility Equipment	WR Supplies	510.29
Vessco, Inc.	WWTP Supplies	286.41
Wal-Mart	Supplies	877.70
Wesco Distribution, Inc.	PK Lighting Fixtures	750.00
West Central Ne. Development	Membership Dues	4,000.00
Windustrial Company	WR Supplies	550.07
World Book, Inc.	Books	2,412.00
Ackerman, Terry	Tree Removal/Demolish House	5,850.00
All Points Cooperative	Fuel	58.47

Bailey, William	Electric Rebate	425.00
Dorwart, Penny	Electric Rebate	1,025.00
Electric Fixture	PK Supplies	416.36
Fireguard, Inc.	Repair	154.07
Gale Group, The	Books	64.90
Health Claims Fund	Claims	430.05
Naumann, Sondra	Cleaning Service	123.00
Nebraska Department of Revenue	Sales & Use Tax	34,701.65
Nebraska Statewide Arboretum	Membership Dues	100.00
Plum Creek Medical Group	Flu Shots	1,785.00
Quill Corporation	Office Supplies	299.95
Rodale, Inc.	Book	41.94
S & W Auto Parts, Inc.	WWTP Supplies	85.94
SourceGas, Inc.	Gas Service	11,099.55
Summit Supply Corporation	PK Supplies	320.00
Thorell, Dennis	Electric Rebate	900.00
TierOne-City Petty Cash	Postage/Food/Fuel	63.50
W P C I	Drug Test	50.00
Wal-Mart	Supplies	54.30
	TOTAL CLAIMS:	1,746,969.21

PUBLIC COMMENTS: Members of Boy Scout Troop 144 introduced themselves and were welcomed by Council members.

STREET VENDORS: An Ordinance entitled “AN ORDINANCE TO PROVIDE REGULATION OF STREET VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read on second reading. Following discussion, moved by Salem, seconded by Miller, to suspend the rules regarding reading on three separate occasions. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2242 was read by title. Moved by Miller, seconded by Tomasek, to approve Ordinance No. 2242 on final reading. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CONSERVATION EASEMENT: Mark Czaplewski, Central Platte NRD, appeared before Council to request consideration of a resolution approving a conservation easement on property within the two mile zoning jurisdiction. He discussed the easement as it relates to water issues. Following discussion, Resolution No. 07-35 was read. Moved by Tomasek, seconded by Salem, to approve Resolution No. 07-35. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

RESOLUTION 07-35

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, CHARLES B. RUZICKA, TRUSTEE OF THE CHARLES B. RUZICKA LIVING TRUST, U/T/A dated November 23, 1993, is the owner of the following described real estate, to-wit:

A tract of land in the East One-Half of Section Thirty (30), Township

Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska, and more particularly described as follows:

Referring to the Northeast Corner of Section Thirty (30), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska; thence South (assumed bearing), and along the East Line of said Section Thirty (30), a distance of 110.0 feet to the Point of Beginning; thence continue South, and along the East Line of said Section Thirty (30), a distance of 2801.88 feet; thence S 84°41' W, a distance of 2648.22 feet to a point on the West Line of the East Half (E½) of Section Thirty (30); thence North, and along the West Line of the East Half (E½) of said Section Thirty (30), a distance of 3039.15 feet; thence N 89°49'30" E, and 110 feet South of the North line of the Northeast Quarter of said Section Thirty (30), and along the South Right-of-Way Line of State Highway No. 283, a distance of 2636.95 feet to the place of beginning, LESS AND EXCEPT that tract of land conveyed to Dawson County Public Power District by Trustee's Deed dated 12/9/05 and recorded 12/13/05 at Inst. No. 2005-5272.

and

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from CHARLES B. RUZICKA, TRUSTEE OF THE CHARLES B. RUZICKA LIVING TRUST, U/T/A dated November 23, 1993, on the real estate legally described hereinabove and CHARLES B. RUZICKA, TRUSTEE OF THE CHARLES B. RUZICKA LIVING TRUST, U/T/A dated November 23, 1993 is desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and CHARLES B. RUZICKA, TRUSTEE OF THE CHARLES B. RUZICKA LIVING TRUST, U/T/A dated November 23, 1993, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2003), on October 9, 2007, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2003) on November 7, 2007, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

PASSED AND ADOPTED this 13th day of November, 2007.

CITY OF LEXINGTON

John Fagot, Mayor

Pamela Berke, Deputy City Clerk

SANITARY SEWER IMPROVEMENTS:

Dana Daniels, Miller & Associates, presented plans and specifications for the 2008 Infrastructure Improvements – CED Addition and requested authorization to advertise for bids. Following discussion, moved Miller, seconded by Salem, to approve plans and specifications and authorize city staff to advertise for bids. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

REINFORCED BOX CULVERT – SPRING CRK:

Stan Johnson and Lance Harder, Miller & Associates, presented Council with plans and specifications for the Spring Creek Reinforced Concrete Box Culvert project and requested authorization to advertise for bids. Following discussion, moved by Miller, seconded by Bennett, to approve plans and specifications and authorize city staff to advertise for bids for the project. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

BOARD OF EQUALIZATION:

Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider property assessments for delinquent nuisance abatement fees. Peplitsch presented council with a list of properties and associated past due abatement fees. Following discussion, the public hearing was closed.

ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION AND PAMPHLET FORM” was read by title. Moved by Tomasek, seconded by Bennett, to suspend the rules regarding the reading of the ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2243 was read by title. Moved by Tomasek, seconded by Salem, to approve Ordinance No. 2243 on final reading. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

UTILITY RATES:

Resolution No. 07-33 was read. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 07-33 as presented. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 07-33

WHEREAS, Lexington City Code Sections 27-34 and 23-13, authorize the City Council to establish by Resolution a schedule of rates and charges for water use and sanitary sewer use, respectively.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following water and sanitary sewer rates for the following use classifications are established and shall take effect December 1, 2007, to be reflected on billings following such date. That all other water and sanitary sewer rates previously established shall remain unchanged:

Water Rates:

Residential Metered:	The first 5,000 gallons	\$12.00 monthly minimum
	> 5,000 gallons	\$0.80 per 1,000 gallons
Residential Flat Rate:	\$19.00 per dwelling unit per month	
Commercial Metered:	The first 5,000 gallons	\$12.00 monthly minimum
	> 5,000 gallons	\$0.80 per 1,000 gallons
Multi-family Service Fee:	\$6.25 per dwelling unit, where more than one dwelling unit is served by a single metered service.	
Industrial Metered:	\$0.216 per 1,000 gallons	

Sanitary Sewer Rates:

Flat Rate Residential:	\$22.00 per month.
Flat Rate Commercial:	\$22.00 per month
Commercial Metered:	\$2.00 per 1,000 gallons \$15.00 minimum

PASSED AND APPROVED this 13th day of November, 2007.

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

LICENSE FEES:

Resolution No. 07-34 was presented. Following discussion, moved by Tomasek, seconded by Salem, to approve Resolution No. 07-34 as presented. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 07- 34

WHEREAS, Ordinance # 2242 authorizes the City Council to establish by Resolution a schedule of fees and charges for Vendor licenses;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following fees and charges are established and shall take effect immediately for street vendor licenses. All such fees shall be due January 1 of each year, and shall be non-refundable. No part of a license fee shall be pro-ratable for a partial year.

Vendor License Fees:

One week permit.....	\$50.00
One month permit	\$100.00
Six month permit	\$200.00
One year permit	\$350.00
Duplicate / Replacement Badge.....	\$25.00

PASSED AND APPROVED November 13, 2007.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

SUBDIVISION AGRMT:

Peplitsch presented council with an amendment to the subdivision agreement for Paulsen's First Addition regarding the dedication of park ground. He explained that during platting of the addition, lots and blocks were renumbered, but the subdivision agreement was not revised in accord. This resulted in incorrect reference to a lot to be dedicated as park ground. To correct the issue per the original intent, the City and the current owners would have to approve an amendment. Following discussion, moved by Miller, seconded by Tomasek, to approve the amendment to the subdivision agreement for Paulsen's First Addition as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

ROUNDTABLE:

Burnside reported that playground equipment has been purchased for Pioneer Park, and will be installed for public use by the spring of 2008. He would send an overview of the project to council members.

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