

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 25, 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, John Salem and Linda Miller. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold and Deputy City Clerk Pamela Berke. Finance director Barb Mills was also in attendance. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also in attendance were Ronda Jaeschke and Kendall Nelson, Source Gas LLC, and Susan Bennett, DAD Leadership.

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 11-10-08 Minutes of the Regular meeting held Monday, November 10, 2008, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$505,065.81 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$179,964.90 from the General Fund, \$150,608.64 from TIF Fund, \$4,166.67 from ED Reuse, \$118,708.59 from LEXUS, \$28,169.82 from Sanitation, \$4,500.87 from Ambulance Fund, \$14,574.40 from Health Fund, and \$4,371.92 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 25, 2008

AFLAC	Premium	890.56
Aguirre, Maria	Electric Rebate	1,025.00
Alltel	Cellphone Service	179.97
American Public Works Assoc.	Membership Dues	226.00
Anderson Graphics	Lib. Supplies	17.50
Audio Editions	Books	41.52
B & D Office City	Office Supplies	25.65
Blythe, Lance	Travel Expense	720.72
Brecks, Bill	Seminar	60.00
Card Center/Orscheln	PK/WWTP Supplies	253.39
Case Credit Advantage	Repair	179.50

Cash-Wa Distributing	Food & Supplies	2,237.72
Central Community College	Fire Dept/Bldg. Inspection Classes	4,900.00
Central Garage Fund	Repair	10,319.95
Central Platte Natural Resources Dist	PK Supplies	172.80
Child's World, The	Books	47.85
Community Redevelopment Authority	Ford & Ford/CEL-TIF Pmts.	127,756.88
Conney Safety Products	WWTP Supplies	65.76
Copier Connection, Inc.	Service Agreement	350.00
Cummins Central Power, LLC	Central Garage Supplies	5,693.28
Davis Energy, Inc.	Fuel	4,006.40
Dawson County Handibus	Transportation	78.00
Deterdings	Lib. Service	111.25
EZ Street Company, The	ST Supplies	1,119.44
Fagot Refrigeration & Electric	EL Supplies-Tri-Co Hospital Exp	8,773.75
Farmer Brothers Coffee	Food	415.58
Fastenal	WWTP Supplies	20.35
Fisher Scientific	WWTP Supplies	474.26
Gale Group, The	Books/Online Data Bases	2,445.74
Governing Magazine	Subscription	16.00
Grand Generation Center	Petty Cash	100.00
Hach Company	WWTP Supplies	395.28
Harvey, Ted	Electric Rebate	400.00
Health Claims Fund	Claims	11,920.30
Holbein, Dahlas	Maint. & Cleaning	1,000.00
Ingram Library Services	Books	142.38
Kapco	Lib. Supplies	99.46
Kirk's Nebraskaland Restaurant	Food	48.90
Knapp Electric	WWTP Pump Repair	6,196.21
Lerner Publishing Group	Books	589.05
Lexington Newspapers, Inc.	Publications	237.22
Lexington Rural Fire Protection Dist	Building Payment	25,634.55
Lexington Utilities System	Utilities	20,394.51
Payroll	Wages	104,417.09
Social Security	Employer Portion / FICA Med	7,761.61
First National Bank	Employer Portion / Pension	3,346.47
First National Bank	Police Pension	1,674.12
ICMA	City Manager Pension	399.23
Linda's Stitches & Creations	Coats	418.74
Marshalek, Dorothy	Ambulance Refund	37.87
Martin's Flag Company	Flags	278.73
Mead Lumber & Rental-Lexington	WWTP/WR/PK/CG Supplies	550.74
Michael Todd & Company, Inc.	ST Supplies	735.42
Mid-States Units	Rental	507.00
Midwest Radar & Equipment	Supplies	14.25
Miller & Associates	Retainer Fee/Soccer Fields/ Trail	13,085.65
Morgan, Jon	Electric Rebate	900.00
Naumann, Sondra	Cleaning Service	159.00
NE Public Health Environmental	Police Service	78.00
Nebraska Statewide Arboretum	Membership Dues	100.00
Nebraska State Library	Book	57.00
Neopost	Postage/Annual Fee	1,550.00
Oriental Trading Company, Inc.	Lib. Supplies	38.63
Oxmoor House	Book	38.91
Paulsen Inc.	Concrete	78.50
Pinnacle Agency, The	Bond Renewal	100.00
Plum Creek Market Place	Food	95.31
Plum Creek Medical Group	Flu Shot	37.00

Price's Tree Service	Tree Removal	4,350.00
QA Balance Services	WWTP Service	95.00
Rinker Materials	PK Supplies	328.64
Roberts Dairy Company	Beverages	416.64
Rourke Publishing Group	Books	323.86
S & W Auto Parts, Inc.	WWTP/Central Garage Supplies	625.80
Security First Bank	Wilkinson Development-TIF	22,851.76
Service Master Mid Nebraska	Library/GGC Cleaning Service	2,027.50
Stone Arch Books	Books	263.23
Subway Sandwiches & Salads	Food	42.24
Summit Supply Corporation	PK Supplies	259.49
T. O. Haas Tire Co., Inc.	Repair	53.50
Taste of Home Books	Books	42.96
Thompson Co., The	Food & Supplies	482.31
TierOne-Lib. Petty Cash	Postage/Seminars	50.48
Tyler Technologies	Professional Services	1,500.00
U-Save Business Equipment	Postage/Supplies	595.77
UN Center Applied Rural Innovation	Conference	80.00
W P C I	Drug Test	27.10
Wal-Mart	Supplies	383.93
Wesco Distribution, Inc.	WR Supplies	359.52
B & D Office City	Supplies	61.73
Blythe, Lance	Seminar	37.00
Business Card	Office/ST/Police Supplies/Conf	2,509.64
Card Center/Orscheln	ST Supplies	29.18
Case Credit Advantage	WWTP Repair	796.87
Conney Safety Products	WWTP Supplies	38.90
Dan's Sanitation	Sanitation Fees	28,169.82
Fagot, John	Conference	401.36
Fed Ex	Shipping Charge	12.00
Gallery Collection, The	Supplies	227.53
HD Supply Waterworks	WR Supplies	1,628.00
Health Claims Fund	Claims	1,699.44
Lexington Newspapers, Inc.	Publication	203.69
Lexington True Value	Fire Dept. Supplies	147.87
Lexington, City of	Franchise Fees	45,277.86
Linda's Stitches & Creations	Coats & Overalls	439.93
Mead Lumber & Rental-Lexington	WWTP/Police Supplies	259.97
Municipal Supply	WWTP Supplies	273.08
NE Dept Economic Development	Mid Plains CDBG Payment	4,166.67
NE Public Health Environmental Lab	WR Testing	1,143.00
Outdoor Recreation Products	Oak PK Supplies	2,870.00
Paulsen, Inc.	Concrete	1,627.96
Plum Creek Auto Spa	Car Washes	13.00
S & W Auto Parts, Inc.	WWTP Supplies	9.99
State Wide Collections	Collection Fees	257.17
Tep's Bar & Grill	Gift Certificates	525.00
TierOne-City Petty Cash	Food/Fuel/Supplies	39.07
TierOne-Lib. Petty Cash	Postage	13.93
U-Save Business Equipment	Postage/Supplies	124.40
Vet's Club Steakhouse	Gift Certificates	525.00
Wal-Mart	Supplies	135.07
	TOTAL CLAIMS:	505,065.81

NATURAL GAS FRANCHISE: Ronda Jaeschke, Source Gas operations representative, appeared before the Council with a request to consider approving a franchise agreement for natural gas service within the local service area. She explained the changes from the current agreement and noted that this would be a 25 year renewal term. An ordinance entitled “AN ORDINANCE GRANTING TO SOURCEGAS DISTRIBUTION LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF LEXINGTON, NEBRASKA FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID CITY AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ORDINANCE NOS. 1761 AND 2096” was read by title. Following discussion, moved by Salem, seconded by Miller, to approve ordinance on first reading. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

ELECTION RESULTS: Peplitsch requested Council acceptance of the 2008 general election results as certified by the Dawson County Clerk. Election results included council member election, airport authority, and fluoridation ordinance. Moved by Miller, seconded by Tomasek, to accept the election results from November 4, 2008. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION: Resolution No. 08-22 was read. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 08-22. Roll call. Voting “aye” were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 08-22

WHEREAS, by Resolution No. 08-17 adopted on August 26, 2008, the City Council referred Ordinance No. 2256 to a vote of the people; and

WHEREAS, the Dawson County Election Commissioner has certified that said Ordinance No. 2256 was adopted by the electorate of the City of Lexington, Nebraska in the following form:

“ORDINANCE NO. 2256

AN ORDINANCE RELATING TO FLUORIDATION; TO PROHIBIT THE ADDITION OF FLUORIDE TO THE CITY’S WATER SYSTEM; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Section 71-3305 of the Nebraska Statutes requires any city with a population of one thousand or more to add fluoride to the city's water system, unless the voters of the City adopt an Ordinance to prohibit fluoridation;

BE IT ORDAINED BY THE VOTERS OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The addition of fluorides to the water supply of the City of Lexington, Nebraska is hereby prohibited.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect immediately upon adoption by a majority of the persons voting on said issue at the general election of November 4, 2008."

BE IT THEREFORE RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that Ordinance No. 2256 has been adopted by the voters of the City of Lexington, Nebraska, and shall be in full force and effect as of the adoption date of November 4, 2008.

Passed and approved on November 25, 2008.

John Fagot, Mayor

Pamela Berke, Deputy City Clerk

CARC PUBLIC HEARING:

Mayor Fagot opened the public hearing to receive comments from the Citizens Advisory Review Committee on the Lexington Economic Development Program funded by sales tax revenue. Peplitsch noted the CARC had no findings or recommendations at this time and then reviewed the revenues and expenses of the program. He stated that the program funding is set for sunset in April 2010 and that the Council may want to discuss taking the issue to the voters in a special election for renewal. Mayor Fagot closed the public hearing. Moved by Tomasek, seconded by Bennett, to accept the report of the Citizens Advisory Review Committee. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch reminded Council of the organizational meeting scheduled for Tuesday, December 2, 2008, at 7:30 am, and the planning session scheduled for Saturday, December 6, 2008, at 8 am. He requested agenda items for the planning session.

Burnside noted that he and Linda Miller met with representatives of the Census Bureau last week and are assisting them with employee hiring.

Fagot gave a brief update on actions of the Lexington Area Solid Waste Agency and requested an input from other council members. He also gave a brief summary of his recent trip to the National League of Cities conference in Orlando.

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