

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Rescheduled Meeting of the Lexington City Council was held Monday, May 8, 2006, (to accommodate the Primary Election on the Regular Meeting Date of Tuesday, May 9, 2006), at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Vice-President Steve Tomasek, Joni Bennett, John Fagot, and Linda Miller. City Officials present were City Manager Joe Pepsplitsch, City Attorney Willard Weinhold and Deputy City Clerk Shirley Lewis.

**NOTICE:** Notice of the meeting was given in advance, thereof by posting in five public places, a designated method for giving notice, as shown by the Affidavit of Posting 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 Vice-President Tomasek.

**MINUTES – REGULAR MEETING – 04-25-06:** Minutes of the Regular Meeting scheduled for Tuesday, April 25, 2006 was presented for Council’s consideration and approval. Moved by Bennett, seconded by Miller, to approve the Minutes of the Regular Meeting held April 25, 2006 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,041,709.91 was presented for Council’s consideration and approval. Upon review of the Claims and Bills, moved by Fagot, seconded by Bennett to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$299,151.99 from the General Fund, \$68,209.17 from Ed Reuse, \$636,737.82 from LEXUS, \$10,000.00 from Sanitation, \$2,294.57 from Ambulance Fund, \$15,342.13 from the Health Fund, \$9,974.23 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Bennett, Fagot, Tomasek. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
May 8, 2006

All Points Cooperative	Fuel / Fertilizer	2,799.28
Alltel	Cellphone Service	144.06
American Fence Company, Inc.	WWTP/Install Chain Link Fence	11,714.32
Anderson Graphics	Library Supplies	43.75
Barco Municipal Products	Supplies	20.48
Bliven Construction	Well House Repair	1,661.09
Builders Warehouse	Library Supplies	185.02
Card Center/Orscheln	Supplies	277.53
Cash-Wa Distributing	Food & Supplies	962.51
Central Garage Fund	Maint. / Repairs / Fuel	12,330.71
Comfort Inn	Conference / Seminar	161.88
Corporate Benefit Svcs of America	Premium	17,582.84
Culligan Water Conditioning, Co.	Soft Water Supplies	203.98
Dan's Sanitation	Sanitation Fees	12,395.67

Davis Energy, Inc.	Fuel	5,234.00
Davis Energy, Inc.	ED Sales Tax Fund Loan	60,000.00
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson County Surveyor	Survey	100.00
Dawson Pest Control	Building Maintenance	27.00
Depository Trust Co.	2002 GO Bond Payment	141,720.00
Dutton-Lainson Company	Electric Supplies / Copper Wire	4,359.20
Eakes Office Products	Office Supplies	28.54
Electric Fixture	Supplies	677.32
EMS Billing Services, Inc.	Ambulance Fees	1,088.35
Fagot Refrigeration & Electric	Maintenance / Repairs	78.50
Fastenal	Supplies	264.82
Fisher Scientific	WWTP Supplies	161.27
Fox Valley Systems, Inc.	Supplies	59.62
Galls, Inc.	Uniform Expense	19.77
Gnirk Lawn Care, Inc.	Lawn Care	1,783.64
Great Plains One-Call Service	Locates	73.55
Health Claims Fund	Claims	15,201.13
Hipp Wholesale Foods, Inc.	Food & Supplies	1,183.11
Holmes Plmg & Htg Supply Co.	Park / Water Supplies	389.87
Hometown Leasing	Copier Lease	472.46
Hunt Cleaners, Inc.	Street / Park Supplies	214.30
Husker Ag Sales	Central Garage Supplies / Aerator	3,366.55
Ingram Library Services	Books	80.96
International Code Council	Books	56.00
Jones Plumbing & Heating	Maintenance / Supplies	1,998.08
K-Lawn	WWTP / Fertilizer	3,108.16
Kemps-Gillette	Beverages	260.99
Kinder Morgan	Gas Service	9,923.15
League of Nebraska Municipalities	Conference	353.00
Lexington Animal Clinic	Animal Care	739.58
Lexington Area Solid Waste	Landfill	1,397.16
Lexington Health Fund	Self-funding	31,335.98
Lexington Newspapers, Inc.	Publications	198.77
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	603.74
Lexington, City of	Franchise / Service Fees	37,791.86
Payroll	Wages	89,189.20
Social Security	Employer Portion / FICA Med	6,614.68
First National Bank	Police Pension	1,183.41
ICMA	City Manager Pension	268.64
LexisNexis Matthew Bender	Book	88.70
Lien Lawn Services	Lawn Care	560.22
Linda's Stitches & Creations	Caps	62.00
Matt Friend Truck Equipment	Supplies	293.00
Mead/Big Valley Lumber	WWTP Supplies	79.62
Mead Rental Center	Central Garage Supplies	19.45
Menards-Kearney	Park Supplies	641.92
Mendoza, Tone	Misc. Library Expenses	260.89
Metrotech	Repair	113.35
Michael Todd & Co., Inc.	Street / Park Supplies	893.41
Mid-Nebraska Printing	Office Supplies	17.20
Money Handling Machines, Inc.	Maintenance	97.00
Municipal Emergency Services	Fire Dept. Supplies	103.68
NCMA Summer Conference	Conference	230.00

NE Dept. of Economic Dev.	Mid Plains CDBG Loan	4,166.67
Nebraska Crime Commission	Books	42.00
Nebraska Public Power District	Power Purchase	468,286.97
Nebraska Public Power District	Install 2 Panel Meters	1,941.95
Nebraska Waste Handlers	Sludge Removal	5,372.80
Nebraskaland Magazine	Subscription	33.00
Nelson, Margie L.	Cleaning Service	500.00
Parker, Glen	Ambulance Refund	381.42
Paulsen, Inc.	Concrete	142.32
Peerless Energy Systems	WWTP Supplies	71.47
Penworthy Company	Books	255.79
Platte Valley Auto Mart	Central Garage Supplies	163.35
Platte Valley Communications	Maint/Repairs/Pagers	3,177.11
Plum Creek Auto Spa	Car Wash	11.00
Plum Creek Cleaners	Supplies	228.50
Plum Creek Motors	Maintenance	123.24
QPR (United States)	Central Garage Supplies	432.13
Quill Corporation	Police Dept/Ofc Supplies	1,145.68
Random House, Inc.	Book	153.00
Reams Sprinkler Supply Co.	Sprinkler Supplies	2,521.90
Recorded Books	Books	115.60
S & W Auto Parts, Inc.	Central Garage Supplies	988.58
Sav A Lot Discount Foods	Food & Supplies	12.63
Showcases	Office Supplies	55.78
Sign Pro	Signs	72.00
Starmark	Ambulance Refund	380.00
T. O. Haas Tire Co., Inc.	Tire Repair	33.58
Tagge Eng. Consultants, Inc.	Prospect Road & Adams Street Improvements	1,111.10
Team Detail & Quicklube	Car Wash	20.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	4.37
Total Lawn Care	Lawn Care	1,524.00
Tri-City Tribune	Publications	497.00
Tri-County Hospital	Wellness / Service	619.80
TSM Cleaning / Sophie Sarratt	Cleaning Service	832.00
U-Save Business Equipment	Office Supplies	234.53
Upstart	Office Supplies	24.00
Utility Equipment	Water Dept. Supplies	160.05
Wal-Mart	Supplies	489.99
Wesco Distribution, Inc.	Electric Supplies	719.04
Willard Weinhold Law Office	Fees	1,205.50
Wolf, Tracy	Travel Expense	228.50
Arneson, Mark	Travel Expense	99.24
Cash-Wa Distributing	Food	819.66
Dawson Co Public Power Dist.	Power Purchase	5,788.77
Electric Fixture	Supplies	809.52
Gengenbach, Kevin	Rental	330.00
Health Claims Fund	Claims	141.00
International Code Council, Inc.	Books	41.25
Kemps-Gillette	Food	54.55
Lexington Recreation Program	Start-up / Aquatic Center & Rec Center	300.00
Lookout Books	Books	685.42
Mead/Big Valley Lumber	Electric Supplies	20.98
Mediapro	Book	320.00
National Waterworks	Supplies	98.83
Naumann, Sondra	Cleaning Service	48.00
NE Dept of Economic Dev.	Orthman's CDBG Loan	

	Payment	4,042.50
Nebraska Department of Revenue	Sales & Use Tax	33,833.79
Nebraska Library Commission	Subsc./Cat-Express 06-07	2,548.00
Precision Sprinklers	Supplies	21.25
Random House, Inc.	Book	53.55
Recorded Books	Books	78.39
TierOne-City Petty Cash	Petty Cash / Misc. Exp.	14.58
TierOne-Library Petty Cash	Postage	11.82
U-Save Business Equipment	Office Supplies	74.00
Weathercraft Company	Service / Maintenance	336.28
Wal-Mart	Supplies	156.18
	TOTAL:	1,041,709.91

**EL TROPICO:**

Mr. Juan Lazo, owner of El Tropico, requested Council’s recommended approval of an application for an addition to his business located at 201 E. 5<sup>th</sup> Street, in reference to his Class IB Liquor License. At the last Council Meeting, it was the decision of Council to make no recommendation to the Nebraska Liquor Control Commission, due to local ordinances and concern of unapproved occupancy. Mr. Lazo is requesting Council to reconsider their decision. Following extensive discussion, moved by Fagot, seconded by Miller, to recommend approval of an application for an addition to El Tropico, located at 201 E. 5<sup>th</sup> Street, Lexington, Nebraska, in reference to his Class IB Liquor License. It was stressed that Teen Dances in the establishment would not be appropriate. Roll call. Voting “aye” were Bennett, Miller, Fagot, Tomasek. Motion carried.

**RESOLUTION:**

Jen Wolfe, representing Dawson Area Development, requested Council’s approval of a Resolution supporting the provision of services by the Rural Enterprise Assistance Project (REAP). Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No: 06-11 supporting the provision of services by the Rural Enterprise Assistance Project (REAP) in the City of Lexington and surrounding area. Roll call. Voting “aye” were Bennett, Miller, Fagot, Tomasek. Motion carried.

RESOLUTION NO: 06-11

WHEREAS, the City of Lexington, Nebraska in Dawson County is an eligible unit of general government authorized to participate in the Community Development Block Grant (CDBG) Pro grams through the State of Nebraska Department of Economic Development (NDED); and,

WHEREAS, our community and surrounding area has a strong need for business development services and we agree that our community is part of a REAP-CDBG service area in Nebraska; and,

WHEREAS, our community would like the services of REAP to be available for start-up and existing entrepreneurs, as needed; and,

WHEREAS, the work of the REAP Program is consistent with local and area-wide strategic plans for community and economic development and will be coordinated with other economic development activities in the project area; and,

WHEREAS, working together will create more opportunities for entrepreneurs and will further enhance the overall effectiveness of all program partners;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lexington, Nebraska supports the provision of services by the Rural Enterprise Assistance Project (REAP) in the City and surrounding area.

Passed and approved this 8<sup>th</sup> day of May, 2006.

Steve Tomasek  
Vice-President of Lexington City Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**RESOLUTION:**

Peplitsch requested Council's approval of a Resolution executing a deed conveying property to 5-9's Inc. Following discussion, moved by Bennett, seconded by Miller, to approve Resolution No: 06-12 executing a deed conveying property to 5-9's Inc. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek. Motion carried.

RESOLUTION NO: 06-12

WHEREAS, the City has by Ordinance No. 2211 approved the sale of the following described real estate owned by the City, to-wit:

A tract of land undesignated by lot number, lying within Lexington Industrial Addition, a part of Section 9, Township 9 North, range 21 West of the 6<sup>th</sup> P.M., in the City of Lexington, Dawson County, Nebraska, which tract is located East of Lots 1 and 2 and North of Lot 3, in said Addition, being more particularly described, as follows:  
Referring to the Northwest corner of Lot 3, Lexington Industrial Addition a part of Section 9, Township 9 North, Range 21 West of the 6<sup>th</sup> P.M. Dawson County, Nebraska and assuming the West line of said Lot 3 (if extended north) as bearing N 00° 17'33" E and all bearings contained herein are relative thereto; thence N 00°17'33" E and on said West line (if extended north) a distance of 198.77 feet to the Actual Place of Beginning; thence N 00°17'33" E and continuing on the aforesaid West line a distance of 362.43 feet; thence N 88°38'29" E and parallel with the North line of said Lot 3 a distance of 300.6 feet; thence S 00°17'33" W and parallel with said West line (if extended north) a distance of 362.43 feet; thence S 88°38'29" W and parallel with said North line a distance of 300.6 feet to the place of beginning. Containing 2.5 acres, more or less.

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council of the City of Lexington, Nebraska, that Steve Tomasek as Vice-President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to 5-9's Inc., the purchaser thereof.

PASSED AND APPROVED this 8<sup>th</sup> day of May, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Steve Tomasek, Vice President

ATTEST:

Shirley Lewis, Deputy City Clerk

**EXECUTIVE SESSION:**

Moved by Miller, seconded by Bennett, to go into Executive Session at 8:09 p.m. for the purpose of discussing Personnel. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek. Motion carried.

Moved by Fagot, seconded by Miller, to reconvene Regular Session from Executive Session at 9:01 p.m. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

**ROUNDTABLE  
DISCUSSION:**

Discussion was held regarding the possibility of holding a Planning Session on a Saturday in the near future. Council Member Miller informed Administration that she would be absent the first two Saturdays in June.

**ADJOURNMENT:**

There being no further business to come before the Council, Vice-President Tomasek declared the meeting adjourned.

Steve Tomasek  
Vice-President

Shirley Lewis  
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.

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Deputy City Clerk