

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 26, 2006, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor Ted Cook, Joni Bennett, John Fagot, Linda Miller and Steve Tomasek. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Willard Weinhold, and Deputy City Clerk Pamela Berke. Department Heads present were Charles Clark, and Barb Mills. Citizens attending included Connie Bennett, August Daake, and Clemente Estuardo Gonzalez. Members of the press included Harry Perkins, Kearney Hub, and Barb Batie, Lexington 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 Cook. The Mayor 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 9-12-06**

Minutes of the Regular meeting held Tuesday, August 22, 2006 were presented for Council's consideration and approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion Carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$1,072,397.47 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 \$418,769.26 from the General Fund, \$84,039.60 from the Economic Development Fund, \$12,547.33 from TIF fund, \$2,400.00 from the Housing Reuse, \$369,340.21 from LEXUS, \$124,093.23 from Sanitation, \$7,870.00 from Landfill fund, \$30,154.02 from Ambulance Fund, \$16,296.62 from Health Fund, and \$6,887.20 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 26, 2006**

AFLAC	Premiums	950.36
All Points Cooperative	Fuel / Supplies	129.67
Alltel	Cellphone Service	330.50
Baird, Holm, McEachen, Pedersen	Attorney Fees	552.59
Bottom Line / Health	Subscription	29.95

Card Center/Orscheln	Supplies	163.94
Cash-Wa Distributing	Food & Supplies	687.62
Community Redevelopment Auth	Lexington Investors	2,547.33
Cosmos Club	Park Clean-up	300.00
Council for Economic Develop	CED Dues	100.00
Dan's Sanitation	Sanitation Fees	1,633.00
Davis Energy, Inc.	Fuel	209.77
Diamond Vogel Paint	Rec Supplies	144.09
Eakes Office Plus	Office Supplies	12.40
Egan Supply Company	Janitorial Supplies	84.30
Electric Fixture	Electric Supplies	302.55
Farmer Brothers Coffee	Food & Supplies	174.60
Fed Ex	Shipping Fees	21.61
Fireguard, Inc.	Jaws of Life Equipment	14,921.00
Fisher Scientific	WWTP Supplies	286.13
Follett Software, Co.	Library Supplies	166.90
Health Claims Fund	Claims	14,381.24
Hipp Wholesale Foods, Inc.	Food & Supplies	973.12
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Husker Ag Sales	Supplies	76.45
Husker Illustrated	Subscription	51.95
Incode-CMS	Annual Hardware / Software Maintenance	13,367.00
Ingram Library Services	Books	706.97
Jim Phillips Construction	Arbor Park Sidewalk / Skate Ramp	2,925.00
Job's Daughters	Park Clean-up	300.00
Kemps-Gillette	Beverages	239.84
Kids Discover	Subscription	19.95
Kinder Morgan	Gas Service	36.33
Kiwanis	Park Clean-up	200.00
Knapp Electric	WWTP Supplies	1,242.75
Kriz-Davis Company	Electric Supplies	2,824.54
KTG Labor Consultants	Conference / Seminar	145.00
Lawson Products, Inc.	Electric Supplies	713.86
Lexington Boy Scouts-Troop #88	Park Clean-up	100.00
Lexington Eagles Club	Park Clean-up	200.00
Lexington Glass Company	Building Repair	180.00
Lexington Newspapers, Inc.	Publications	262.72
Lexington Public Schools	Seminar	10.00
Lexington, City of	Operation / Maintenance Fees	100,000.00
Lexington, City of	Water Line Upgrades-Adams Street	38,997.00
Payroll	Wages	98,081.50
Social Security	Employer Portion / FICA Med	7,273.30
First National Bank	Employer Portion / Pension	3,232.26
First National Bank	Police Pension	1,386.00
ICMA	City Manager Pension	354.50
Lion's Club	Park Clean-up	200.00
Luther, Ann	Conference / Seminars	60.07
Mac's Short Stop	Food	44.85
Masonry Unlimited	Building Maintenance	150.00
McCookNet Internet Service	Service	139.00
Mead/Big Valley Lumber	Supplies	16.58
Micro-Marketing, LLC	Book	20.95
Microfilm Imaging Systems	Equipment Repair	435.00
Mid-Nebraska Printing	Office Supplies	281.42
Miller & Associates	Northwest Addition Plat / Retainer Service	2,360.10
Naputi, Jesus	Investigation Expense	34.00
National Arbor Day Foundation	Membership Dues	15.00

National Automobile Dealers	Subscription	126.00
Natl Waterworks / Hughes Supply	Meter Setters	1,735.24
NE Dept of Environmental Quality	Certificate Renewal	150.00
NE Dept of HHS Laboratory	Well Water Testing	1,718.00
NE Dept of Revenue	Waste Reduction & Recycling Fee	25.00
NE Library Association	Membership Dues	55.00
NE Library Association / NEMA	Conference / Seminars	130.00
NE Recreation & Park Association	Membership Dues	50.00
Northern Tool & Equipment Co.	Supplies	69.97
Olsson Associates	Professional Fees	800.89
Omnigraphics, Inc.	Book	37.55
Overton Community Center	Meals on Wheels	100.00
Pace Analytical	Landfill Testing	7,870.00
Pinnacle Bank	Street Sweeper Payment	19,806.25
Platinum Plus For Business	Street / Park Supplies	561.54
Platte Valley Communications	Radio Repair	97.34
Plum Creek Cleaners	Supplies	302.50
Plum Creek Market Place	Food	42.46
Powers Electric Products Company	Water Dept. Repairs	259.72
Randy Chapman Construction	CED Project / Fence	2,400.00
Recorded Books	Books	203.40
Rick's Audio / Video	Repair	10.50
S & W Auto Parts, Inc.	Supplies	13.81
Schemmer Associates, The	Conference / Seminars	20.00
Service Master Mid Nebraska	Building Maintenance	231.13
St. Ann's Catholic Youth	Park Clean-up	100.00
Subway Sandwiches & Salads	Food	36.18
T. O. Haas Tire Co., Inc.	Tire Repair	31.83
Team Detail & Quicklube	Car Washes	40.00
Thomas Bouregy & Company, Inc.	Books	138.50
TierOne-Lib. Petty Cash	Postage	52.40
Trans-Lux	Repairs	274.56
Trinity Lutheran Youth	Park Clean-up	200.00
T S M Cleaning	Library Cleaning Service	832.00
W P C I	Drug Test	27.10
Wal-Mart	Supplies	125.46
Ward Laboratories	Water Testing	56.00
Westech	WWTP / Repairs	12,835.10
Zep Manufacturing Company	Janitorial Supplies	125.08
Altec Industries, Inc	Electric Dept. / 2006 Aerial Truck	97,331.00
B & D Office City	Office Supplies	799.77
Barmore Drug Store, Inc.	Supplies	6.40
Card Center/Orscheln	Supplies	13.60
Cash-Wa Distributing	Food & Supplies	587.92
Community Redevelopment Auth	Reimburse Fees	10,000.00
Dan's Sanitation	Sanitation Fees	24,093.23
Dawson County Public Power	Service Installations	12,326.53
Dawson Pest Control	Building Maintenance	27.00
Demco	Office Supplies	19.19
Downey Drilling, Inc.	Pool / Equipment Repairs	384.80
Dutton-Lainson Company	Electric Supplies / Meters	1,281.86
Eakes Office Plus	Office Supplies	128.98
Frost, Kent	Utility Refund	38.67
General Traffic Controls, Inc.	Supplies	55.98
Gnirk Lawn Care, Inc.	Lawn Care / Pool	1,070.00
Health Claims Fund	Claims	937.92
Holbrook, Gene	Electric Rebate	1,025.00

Hydraulic Equipment Service	Electric Truck Maintenance & Repairs	2,863.48
Ingram Library Services	Books	173.92
Interstate Chemical Company, Inc.	WWTP / Sulfuric Acid	2,396.08
Kemps-Gillette	Beverages	72.87
Kinder Morgan	Gas Service	51.49
Lexington, City of	ED Sales Tax Reimburse/Inter Dept. Fees	99,039.60
Lexington, City of	Franchise / Service Fees	61,803.10
Lexington Girl Scouts	Recycling	68.00
Lexington Boy Scouts Troop #88	Recycling	34.00
Lexington Boy Scouts Troop #144	Recycling	34.00
Lexington Newspapers, Inc.	Publications	7.66
Lexington True Value	Supplies	4.99
Lexington Utilities System	Utilities / General Fund Reimbursement	294,820.39
Mead/Big Valley Lumber	Supplies	8.53
Micro-Marketing, LLC	Books	44.89
Miller & Associates	Pro Service / NW Improvements	35,082.39
Nelson, Margie L.	Cleaning Service / Buffed Floors	35.00
North Pacific	Electric Poles	10,824.00
Paulsen Inc.	Concrete / Fill Sand	796.23
Plum Creek Market Place	Food	7.50
Plum Creek Promotions	Youth Volleyball Shirts	362.44
Ramirez, Jorge	Electric Rebate	900.00
Rodale, Inc.	Book	36.94
S & W Auto Parts, Inc.	Supplies	83.41
ServiceMaster of Mid Nebraska	Carpet Cleaning	65.00
Solomon Corporation	Repair Three Phase Substation	41,079.00
Thornburg, Larry	Electric Rebate	1,025.00
TierOne-City Petty Cash	Petty Cash / Misc. Expense	61.52
U-Save Business Equipment	WWTP Supplies	87.60
Wal-Mart	Supplies	45.80
Wesco Distribution, Inc.	Electric Supplies	102.72
White, Keith	Electric Rebate	900.00
Wolf, Tracy	Electric Rebate	1,025.00
	GRAND TOTAL:	1,072,397.47

ORDINANCE:

An Ordinance entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTION 10-9 OF THE LEXINGTON CITY CODE TO ESTABLISH THE METHOD FOR CALCULATING THE OCCUPATION TAX FOR TELEPHONE AND TELECOMMUNICATIONS COMPANIES, AND CABLE TELEVISION COMPANIES; AND CREATING AN ENFORCEMENT AND REPORTING SYSTEM FOR TELEPHONE COMPANY, TELECOMMUNICATIONS AND CABLE TELEVISION COMPANY OCCUPATION TAXES AND RATES; TO REPEAL SECTION 10-12 OF THE LEXINGTON CITY CODE 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 before Council on second reading. Moved by Fagot, seconded by Tomasek, to suspend rules regarding reading of ordinance on three separate occasions. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Fagot. Voting “nay” was Cook. Motion carries.

Said ordinance was read by title. Moved by Fagot, seconded by Tomasek, to approve Ordinance No. 2220 on Final reading. Roll call.

Voting "aye" were Miller, Bennett, Tomasek, Fagot. Voting "nay" was Cook. Motion carries.

BOARD OF EQUALIZATION HEARING:

Mayor Cook opened the public hearing for Council to sit as a Board of Equalization to consider special assessments on lots, lands and real estate specially benefited by the improvements in Street Improvement District No. 06-01. August Daake addressed Council with concerns regarding curbs on his property and drainage in the area. Peplitsch reported that those concerns are addressed in a letter from Miller & Associates dated September 22, 2006 regarding SW Lexington Drainage Study, M&A Project No. 127-B1-020. Following discussion, the public hearing was closed.

SPECIAL ASSESSMENT STREET IMP DIST. 06-01:

Peplitsch reported to Council regarding the dollar amounts to be assessed to property owners in the Street Improvement District 06-01. An ordinance entitled "AN ORDINANCE LEVYING A SPECIAL ASSESSMENT UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE SPECIALLY BENEFITED BY THE IMPROVEMENTS IN IMPROVEMENT DISTRICT 06-01, OF THE CITY OF LEXINGTON, NEBRASKA; TO DEFRAY THE COSTS FO SAID IMPROVEMENTS TO THE EXTENT OF THE SPECIAL BENEFIT TO SUCH LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE BY REASON OF SUCH IMPROVEMENTS AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Fagot, seconded by Tomasek, to suspend the rules regarding reading on three separate occasions. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

Said ordinance was read before Council. Moved by Miller, seconded by Fagot, to approve Ordinance No. 2221 on final reading. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

HANDICAP RAMP IMPROVEMENTS:

Dana Daniels presented Council bid tabulation for Handicap Ramp Improvement project. Following presentation, moved by Miller, seconded by Fagot, to award contract to TL Sund Constructors in the amount of \$182,264.20. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

RESOLUTION:

Resolution No. 06-24 was read before Council. Moved by Miller, seconded by Tomasek, to approve Resolution No. 06-24. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

RESOLUTION NO. 06-24

WHEREAS, the President in Homeland Security Presidential Directive (HSPD-5) directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, HSPD-5 requires federal departments and agencies to make adoption of the NIMS by state, tribal and local organizations a condition for federal preparedness assistance beginning in fiscal year 2005; and

WHEREAS, emergency response to critical incidents, whether natural or man-made, requires integrated professional management; and

WHEREAS, unified command of such incidents is recognized as the management model to maximize the public safety response; and

WHEREAS, NIMS has been identified by the federal government as being the requisite emergency management system for all political subdivisions; and

WHEREAS, failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

NOW, THEREFORE BE IT RESOLVED; that the City of Lexington will adopt the NIMS model of emergency planning and incident management.

PASSED AND APPROVED THIS 26th DAY OF SEPTEMBER 2006

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**LVFD SERVICE AWARD
RESOLUTION:**

Resolution No. 06-25 was read before Council. Moved by Fagot, seconded by Bennett, to approve Resolution No. 06-25. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

RESOLUTION NO. 06-25

A RESOLUTION ADOPTING AMENDMENTS TO THE LEXINGTON VOLUNTEER FIRE DEPARTMENT (LVFD) SERVICE AWARD PROGRAM NECESSARY TO COMPLY WITH THE NEBRASKA VOLUNTEER EMERGENCY RESPONDERS RECRUITMENT AND RETENTION ACT, AS AMENDED; AND IRS TAX QUALIFICATIONS.

1. Adoption: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt an amendment to the LFVD Service Award Program, in the form of the Plan document attached hereto and by this reference fully incorporated herein. The purpose of said amendment is to adopt the amendments in accordance with the Volunteer Emergency Responders Recruitment and Retention Act-Nebraska Revised Statutes Sections 35.1301-35.1330; and Section 457(e)(11) of the Internal Revenue Code of 1986, as amended, as said section applies to length of service award programs.
2. Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected

officials and officers of the City of Lexington shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plans, including such actions as may be necessary or appropriate to achieve and maintain qualification of the aforesaid Plan under the Emergency Responders Recruitment and Retention Act-Nebraska Revised Statutes 35.1301-35.1330, as amended; and Section 457(e)11 of the Internal Revenue Code of 1986, as amended, as said section applies to length of service award plans.

PASSED AND APPROVED this 26th day of September 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

FINANCIAL REPORT:

Pepplitsch requested Council's acceptance of the Financial Report for August 2006. Following discussion, moved by Fagot, seconded by Miller, to accept the report. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

ROUNDTABLE DISCUSSION:

Pepplitsch reported the preconstruction meeting for the Grand Generation Center Renovation project is set for September 27, 2006 and that additional smaller projects may be added due to the bid coming in lower than anticipated. Paulsen Inc intends to start October 2, 2006. Pepplitsch also reported that the Dawson County Historical Society is looking to extend the water service to the museum property for their anticipated expansion. RFP's have been sent for the electric department operations and maintenance and are due November 17.

Burnside reported that the design phase of the Historical Lighting project is approximately 95% complete and the architects will be presenting their design in the near future.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Cook declared the meeting adjourned.

Ted Cook
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