

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 10, 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 Vice-President Steve Tomasek, Joni Bennett, John Fagot, Linda Miller. Absent was Ted Cook. City Officials present were City Manager Joe Pepplichtsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Charles Clark and Barb Mills.

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 Vice-President Tomasek.

MINUTES – REGULAR MEETING – 12-27-05: Minutes of the Regular Meeting scheduled for Tuesday, December 27, 2005 was presented for Council’s consideration and approval. Moved by Bennett, seconded by Miller, to approve the Minutes of the Regular Meeting held December 27, 2005 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,071,731.18 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$309,941.23 from the General Fund, \$27,397.71 from Ed Reuse, \$4,166.67 from Housing Reuse, \$679,518.04 from Sanitation, \$10,000.00 from Landfill, \$5,222.12 from Library Memorial, \$26,006.47 from Health Fund, \$9,478.94 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
January 10, 2006

Alamar Uniform Co.	Uniform Expense	135.79
All-Am. Sewer & Drain CIng, LLC	WWTP / Service	225.00
All Points Cooperative	Fuel / Weed Killer	403.77
Alltel	Cellphone Service	91.95
B & D Office City	Office Supplies	542.38
Barco Municipal Products	Street Supplies	125.78
Barmore Drug Store Inc.	Office Supplies	24.99
Berntson Oil	Fuel / Oil	524.05
Bob's Auto Repair & Service	Vehicle Repair	414.75
Card Center/Orscheln	Supplies	119.97
Case Credit Advantage	Central Garage Supplies	950.76
Cash-Wa Distributing	Food & Supplies	1,083.46

Central Garage Fund	Maint. / Repairs / Fuel	16,267.87
Central Tire & Tread	Tire Repair	24.00
Corporate Benefit Services of Am.	Premium	19,356.70
Culligan Water Conditioning, Co.	Soft Water Supplies	179.20
Dan's Sanitation	Sanitation Fees	10,875.67
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson Pest Control	Building Maintenance	27.00
Eakes Office Products	Library Supplies	133.53
Ed Roehr Safety Products	Police Dept. Supplies	1,959.80
Egan Supply Company	Street Supplies	312.77
Env. Systems Research Inst, Inc.	Education	125.00
Fagot Refrigeration & Electric	Maintenance / Repairs	1,120.65
Farmer Brothers Coffee	Food	183.84
G'Neil	Office Supplies	51.69
H2O Technical Services, Inc.	Polymer	1,251.17
Hart, Dawson & Sudbeck, PC LLO	Subdivision Application Withdrawn	100.00
Health Claims Fund	Claims	24,197.11
Hipp Wholesale Foods, Inc.	Food & Supplies	1,075.03
Hometown Leasing	Copier Lease	697.04
Ingram Library Services	Books	32.45
Johnson Controls	WWTP / Service	392.00
Jones Plumbing & Heating	Maintenance / Supplies	348.10
K. R. V. N. Radio	Advertisement	30.00
Kemps-Gillette	Beverages	270.90
Kinder Morgan	Gas Service	12,281.82
Knapp Electric	WWTP / Service	356.20
Kriz-Davis Company	Electric Supplies	584.22
Lexington Animal Clinic	Animal Care	639.50
Lexington Area Solid Waste	Landfill	911.88
Lexington Health Fund	Self-funding	35,806.01
Lexington Newspapers, Inc.	Publications	93.35
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto	Street Dept. Truck / Central Garage Supplies	2,100.00
Lexington True Value	Supplies	103.89
Lexington, City of	Franchise / Service Fees	37,839.28
Payroll	Wages	94,567.64
Social Security	Employer Port/FICA Med	7,006.10
First National Bank	Employer Port/Pension	3,254.10
First National Bank	Police Pension	1,486.77
ICMA	City Manager Pension	238.80
Linweld	Ambulance Supplies	82.98
Marlin Leasing Corp.	Mail Machine Payment	570.16
Martin Electric	Supplies / Service	84.88
Mead/Big Valley Lumber	Supplies	641.77
Mendoza, Tone	Library Supplies	196.71
Meridian Library System	Conference / Seminars	30.00
Mid-Nebraska Printing	Office Supplies	247.50
Mid-States Supply Company, Inc.	WWTP Supplies	49.63
Mister Anderson's Company	Library Supplies	54.95
Mr. Automotive	Central Garage Supplies	54.83
Municipal Emergency Services	Fire Dept. Supplies	328.52
Municipal Supply	Water / Dept. Supplies	149.76
Naumann, Sondra	Cleaning Service	36.00
Nebraska Dept. of Economic Dev	Mid Plains CDBG Loan	4,166.67

Nebraska Dept. of Labor	Unemployment	737.78
NE Habitat Conservation Coalition	Membership Fee	1,000.00
Nebraska Machinery	Central Garage Supplies	2,395.20
Nebraska Public Power District	Power Purchase	509,059.47
Nebraska Waste Handlers	Sludge Removal	5,188.11
Nelson, Margie L.	Cleaning Service	500.00
Platinum Plus For Business	Supplies	545.38
Platte Valley Auto Mart	Vehicle Repairs / Supplies	2,438.71
Platte Valley Communications	Maintenance / Repairs	312.78
Plum Creek Cleaners	Cleaning Service	34.00
Plum Creek Motors	Vehicle Maint/Supplies	634.76
Random House, Inc.	Books	122.40
Rourke Publishing Group	Books	1,583.07
S & W Auto Parts, Inc.	Central Garage Supplies	1,449.14
Sav A Lot Discount Foods	Food & Supplies	28.54
Sophie Sarratt Cleaning Service	Library Cleaning Service	832.00
Smith, R. P.	Awards Banquet	250.00
St. Ann's Church	Rec. Dept. / Soccer Fields	800.00
Steve's Lock & Key	Library / Service	141.00
T. O. Haas Tire Co. Inc.	Tires	141.00
Taste of Home	Book	28.98
Team Detail & Quicklube	Car Washes	80.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	2.70
Tri-City Tribune	Publication	97.50
Tri-County Hospital	Service	360.00
U-Save Business Equipment	Ofc Supplies/Transcribing Machine	553.83
Viking Office Products	Office Supplies	57.65
W. P. C. I.	Policy Update	75.00
Wal-Mart	Misc. Supplies	230.47
Wesco Distribution, Inc.	Electric Supplies	841.86
Willard Weinhold Law Office	Fees	1,260.00
B & M Cleaning Service	Park Supplies	285.00
Beringer Ciaccio Dennell Mabrey	Architect/Library/Admin. Office Study	2,147.42
Berntson Oil	Fuel	4,316.64
Blue Cross Blue Shield	Ambulance Fee Refund	43.79
Bob's Auto Repair & Service	Vehicle Repair	452.11
Cash-Wa Distributing	Library Supplies	41.25
Chief Supply Corp.	Ambulance Supplies	95.60
Community Redevelopment Auth	Lexington Investors	2,547.33
D & R Computing	Fire Dept. / Service	87.50
Dawson County Public Power	Utility Expense	5,791.78
Dawson County Register of Deeds	Filing Fees	9.50
Dutton-Lainson Company	Elec Supplies / Insulators	5,797.42
EDM Publishers, Inc.	Subscription	96.78
EMS Billing Services, Inc.	Ambulance Fees	1,414.88
Eakes Office Products	Library Supplies	1,014.50
Electric Fixture	Electric Supplies	122.46
Flowers of Joy	Supplies	49.90
Follett Software Co.	Library Catalog Software/ Support	380.00
Gale Group, The	Books	5,516.47
Great Plains One-Call Service	Locates	77.47
Health Claims Fund	Claims	1,734.36
Incode	Conference / Seminars	900.00

Ingram Library Services	Books	60.23
Keim, Bob	Freon Removal	255.00
Lex Area Chamber of Commerce	Membership Dues/Library	25.00
Lexington Newspapers, Inc.	Publications	249.26
Lexington Volunteer Fire Dept.	Ambulance Fees	2,937.14
Lexus	Ethanol Plant Payback to WWTP	24,850.38
Medicaid	Ambulance Refund	50.70
Mid-States Supply Company, Inc.	WWTP Supplies	5.28
Mitchell, Patricia	Electric Rebate	1,025.00
Naumann, Sondra	Cleaning Service	36.00
Nebraska Department of Revenue	Sales & Use Tax	37,689.60
Nebraska Tech & Telecomm, Inc.	Phone Expense	346.19
Nebraska State Historical Society	Membership Dues	40.00
Nelson, Margie	Cleaning Service	35.00
Omaha World Herald	Subscription	182.00
Paulsen, Inc.	Concrete	243.96
Plum Creek Promotions	Uniform Expense	185.76
Sign Pro	Fire Dept. Supplies	545.00
Sund, Gertrud	Electric Rebate	1,025.00
TierOne-City Petty Cash	Petty Cash/Misc. Expense	51.53
TierOne-Lib. Petty Cash	Postage	24.98
Tri-County Hospital	Wellness	262.50
U-Save Business Equipment	Office Supplies	6.41
United Health Care	Ambulance Refund	105.54
Univar USA, Inc.	WWTP Supplies	471.75
Wal-Mart	Misc. Supplies	120.72
Ward Laboratories	Electric Supplies	299.56
Wesco Distribution, Inc.	Electric Supplies	1,315.03
Will Weinhold Trust Account	Land Purchase	140,011.00
	TOTAL:	1,071,731.18

PUBLIC COMMENT PERIOD:

Mrs. Audrey Albright requested Council action in regard to her neighbor's fence located to the south of her property, which is located at 1406 N. Washington. Vice-President Tomasek informed Mrs. Albright that there have been no City Code violations, and that she should try to settle the matter privately with her neighbor.

DISINFECTION PROJECT:

Gregg Warner, representing Miller and Associates, requested Council's acceptance of the plans and specifications for the Municipal Ultraviolet Disinfection Facility Project. Following Mr. Warner's presentation, moved by Fagot, seconded by Miller, to accept the plans and specifications for the Municipal Ultraviolet Disinfection Facility Project, and authorize advertisement for bids. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

RESOLUTION:

Mr. Willard Weinhold, attorney representing Mr. Leo Fagot, requested Council's approval of a Subdivision request on property located at 75843 Road 434, Lexington, Nebraska. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No. 06-01 approving Subdivision Plan on Fagot's Second Addition, located at 75843 Road 434, Lexington, Nebraska, and authorize Vice-President Tomasek to sign said Resolution. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

RESOLUTION NO. 06-01

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of Fagot's Second Subdivision of part of the Northeast Quarter of the Southeast Quarter of Section 20, Township 10 North, Range 21 West of the 6th P.M., in Dawson County, Nebraska, duly made out, acknowledged and certified to be and the same hereby is approved and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED THIS 10th day of January, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Steve Tomasek, Vice-President

ATTEST:

Shirley Lewis, Deputy City Clerk

ORDINANCE:

Discussion was held regarding a proposed Ordinance banning smoking in Restaurants, Bars, and other public places. Following discussion, Administration was directed to provide further information for Council's consideration.

PAY REQUEST:

Pepplitsch requested Council's approval of Pay Request #16 (Final) for the Lexington Public Library Project. Following discussion, moved by Miller, seconded by Bennett, to approve Pay Request #16 (Final) from Lacy Construction for the Lexington Public Library Project in the amount of \$11,041.00. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek. Motion carried.

RESOLUTION:

Pepplitsch requested Council's approval of a Resolution authorizing City of Lexington to obtain financing for a 52-acre tract of land. Pepplitsch added that the purchase agreement identifies the purchase of 52 acres, but there will also be another 64 acres donated along with the purchase, for a total of around 116 acres. Following discussion, moved by Miller, seconded by Fagot, to approve Resolution 06-02 authorizing the City of Lexington to obtain financing for a 52-acre tract of land, and authorize Vice-President Tomasek to sign said document. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek. Motion carried.

RESOLUTION NO. 06-02

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR A 52-ACRE TRACT OF LAND.

WHEREAS, the City of Lexington, Nebraska has entered into contracts for the purchase of a 52 acre tract of land; and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of the land; and

WHEREAS, the City is authorized by law to borrow money to pay the cost of capital additions.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City of Lexington, Nebraska is hereby authorized to contract for financing with Plum Creek Bank, Lexington, Nebraska; a branch of Cozad State Bank and Trust. The loan amount shall not exceed \$300,000.00, for a term of 8 years at an interest rate of 4.25%.
2. That Job Peplitsch, City Manager, is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute all necessary documents.

Passed and approved this 10th day of January, 2006.

City of Lexington, NEBRASKA

Steve Tomasek, Vice-President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

APPOINTMENTS:

Discussion was held regarding the appointments to the Lexington Boards and Commissions. Peplitsch requested ratification of Jim Macias, to renew his term on the Lexington Civil Service Commission. Following Peplitsch's request, John Salem and Neal Kohl expressed their desire to have Julie Owens reappointed to the Housing Authority. Also speaking in favor of Julie Owens were Council Members Steve Tomasek, John Fagot, and Linda Miller. Mark Yung addressed the process of appointing Board and Commission Members, expressing his dissatisfaction in replacing those members who are already serving, and have proven themselves to be committed to the City, and yet, are not allowed to renew their terms. He requested Council keep the people that are doing a good job in their respective positions. Council Member Miller reported that she publicly wanted to announce that she has tried to learn as much as she can about the appointment process, and that she had made her initial decision to appoint of Victor Diaz to the Housing Authority based on the information that she had, and later found out that was wrong. Following discussion, moved by Fagot, seconded by Miller, to ratify Peplitsch's recommendation to reappoint Jim Macias to the Civil Service Commission, and table the remaining appointments until the January 24, 2006 City Council Meeting. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Discussion was held regarding membership dues for the Council for Economic Development. Council directed Administration to make one payment for "City" Dues.

Discussion was held regarding the legality of paying membership to the Tri-County Hospital Fitness Center for the City Council Members.

City Attorney Weinhold informed Council they are treated as Employees of the City, and therefore membership can be provided.

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.

Deputy City Clerk