

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 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 Steve Tomasek, Joni Bennett, John Fagot, and Linda Miller. Mayor Ted Cook was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Willard Weinhold, and Deputy City Clerk Pam Berke. Citizens attending included Dick Helvey, Barb Vondras, Cindy Smith, Neal Kohl, Roger Pentz, and Mitch Heusinkvelt. Members of the press included Harry Perkins, Kearney Hub.

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. Tomasek 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 9-26-06**

Minutes of the Regular meeting held Tuesday, September 26, 2006 were presented for Council’s consideration and approval. Moved by Bennett, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Fagot, Miller, Bennett, Tomasek. Motion Carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$1,227,528.20 were 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 \$278,622.58 from the General Fund, \$4,042.50 from ED Reuse, \$904,679.36 from LEXUS, \$10,000.00 from Sanitation, \$2,611.23 from Ambulance Fund, \$19,215.73 from Health Fund, and \$8,356.80 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**

October 10, 2006

All Points Cooperative	Fuel	50.46
All-American Sewer	Service / WWTP	400.00
Alltel	Cellphones	93.59
Axis Capital	Mail Machine Payment	455.85
Barco Municipal	Street Supplies	817.71
Block, Jeff	Ambulance / Fire Dept. Supplies	68.55
Bonsack, Ray	Boots	3.36

Card Center/Orscheln	Supplies	11.96
Case Credit Advantage	Supplies	11.14
Cash-Wa Distributing	Food & Supplies	1,259.97
Central Garage Fund	Maintenance / Repairs / Fuel	12,962.89
Chief Supply Corp.	Gloves	238.93
Conway, John	Ambulance Refund	500.00
Corporate Benefit Svcs of America	Premium	16,704.24
Culligan Water Conditioning, Co.	Soft Water Supplies	306.73
Dan's Sanitation	Sanitation Fees	10,977.05
Davis Energy, Inc.	Fuel / Oil	5,576.41
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson County Court	Court Fees	56.00
Dawson County Register of Deeds	Filing Fees	14.50
Dawson County Surveyor	Survey	247.50
Dawson County Treasurer	2007 Electric Truck Taxes & Title	6,829.17
Delta Dental of Nebraska	Premium	1,074.90
Depository Trust Co.	2004 GO Bond Payment	85,620.00
Diamond Vogel Paint	Recreation Supplies	152.67
Eakes Office Plus	Supplies	117.54
Ecolab	WWTP / Supplies	1,028.31
Electric Fixture	Supplies	38.57
EMS Billing Services, Inc.	Ambulance Fees	1,457.32
Fagot Refrigeration & Electric	Service / Repair	62.50
Farmer Brothers Coffee	Food & Supplies	154.71
Fastenal	WWTP Supplies	109.80
Fisher Scientific	WWTP Supplies	81.44
FYR-TEK	Fire Dept. Supplies	857.62
Great Plains One-Call Service	Locates	51.15
Health Claims Fund	Claims	18,495.52
Hipp Wholesale Foods, Inc.	Food & Supplies	373.50
Hometown Leasing	Copier Lease	472.46
Husker Ag Sales	Park Supplies	65.50
Ingram Library Services	Books	147.31
Jones Plumbing & Heating	Maintenance / Supplies	6,313.27
Kemps-Gillette	Beverages	238.73
Kinder Morgan	Gas Service	5,406.98
League of Nebraska Municipalities	Annual Conference	685.00
Lexington Animal Clinic	Animal Care	761.80
Lexington Eagles Club	Park Clean-up	100.00
Lexington Glass Company	Central Garage Supplies	297.24
Lexington Health Fund	Self-funding	31,378.01
Lexington Newspapers	Publications	613.03
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	60.95
Lexington, City of	Franchise / Service Fees	46,112.72
Payroll	Wages	90,201.85
Social Security	Employer Portion / FICA Med	6,675.41
First National Bank	Employer Portion / Pension	0.00
First National Bank	Police Pension	1,299.72
ICMA	City Manager Pension	354.50
Lion's Club	Park Clean-up	100.00
McCookNet Internet Service	Service	1,240.10
Mead Lumber	Supplies	687.97
Medicaid	Ambulance Refund	114.48
Medicare	Ambulance Refund	272.30
Michael Todd & Co., Inc.	Central Garage Supplies	819.31
Micro-Marketing, LLC	Books	48.89

Mid-Nebraska Printing	Supplies	85.50
Misko Sporting Goods	Recreation Supplies	427.88
Mr. Automotive	Central Garage Supplies	19.38
National Waterworks/Hughes Sup	Water Dept. Supplies	365.37
National Wildlife Federation	Subscription	14.95
Nebraska Dept. of Econ Develop	2006 Orthman CDBG Loan Pymt	4,042.50
Nebraska Salt & Grain Co.	Street Supplies	1,697.78
Nebraska Waste Handlers	Sludge Removal	5,022.40
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Olsson Associates	Historical Lighting / El Map	1,166.64
Overton Sand & Gravel	Road Gravel / Sand / Ice Control	1,367.50
Peak Interest	Food	116.72
Platinum Plus for Business	Supplies	4.28
Platte Valley Communications	Maintenance / Repairs	370.68
Plum Creek Auto Spa	Car Wash	6.50
Plum Creek Bank	Northwest Improvements Payment	22,194.03
Plum Creek Market Place	Food	87.72
Plum Creek Motors	Central Garage Supplies	183.59
Random House, Inc.	Books	22.95
Randy Hood Salvage	Special Waste Expense	100.00
Reiman Publications	Subscription	14.98
S & W Auto Parts, Inc.	Central Garage Supplies	1,015.04
Service Master Mid Nebraska	Carpet Cleaning	742.50
Subway Sandwiches & Salads	Food	16.02
T. O. Haas Tire Co., Inc.	Tires / Repair	624.44
Tasc	Flex Plan	179.40
Team Detail & Quicklube	Car Wash	40.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	11.36
Total Lawn Care	Lawn Care	2,445.00
Tri-City Tribune	Publications	140.00
Tri-County Hospital	Wellness / Supplies	363.00
U-Save Business Equipment	Office Supplies	223.08
Wal-Mart	Supplies	54.24
Ward Laboratories	Water Tests	48.00
Willard Weinhold Law Office	Fees	2,055.00
All Points Cooperative	Fuel / Insecticides	1,575.53
Beringer, Ciaccio, Dennell, Mabrey	Architect / GGC	3,777.46
Burnside, Dennis	Conference / Seminars	148.14
Card Center/Orscheln	Supplies	273.84
Cash-Wa Distributing	Food & Supplies	826.96
Central Garage Fund	Maintenance / Repairs	2,957.77
Corrpro Waterworks	Service Agreement	1,330.00
Davis Energy, Inc.	Fuel	72.06
Dawson Area Development	Membership Fee	10,000.00
Dawson County Public Power	Power Purchase	320.63
Dawson Pest Control	Building Maintenance	45.00
Eakes Office Plus	Office Supplies	637.20
Electric Fixture	Supplies	311.54
EMS Billing Services, Inc.	Ambulance Refund	-6.37
Fagot Refrigeration & Electric	Service / Repair	4,556.99
Farmer Brothers Coffee	Food & Supplies	65.15
Fisher Scientific	Testing Supplies	575.19
Gengenbach, Kevin	Rental	275.00
Health Claims Fund	Claims	540.81
Hipp Wholesale Foods, Inc.	Food & Supplies	440.75
J. J. Keller & Associates	Web Subscription	795.00

Jim Phillips Construction	Repairs	784.00
Kemps-Gillette	Beverages	155.08
Lexington Chamber of Commerce	Membership Fee	4,080.00
Lex Area Solid Waste Agency	Landfill	1,108.80
Lexington Recreation Program	Youth Basketball Instruction	2,500.00
Lexington True Value	Supplies	99.44
Lien Lawn Service	Lawn Care	752.00
Linweld	Oxygen Supplies	36.40
Matt Friend Truck Equipment	Central Garage Supplies	129.75
Mead Lumber	Supplies	487.45
Misko Sporting Goods	Supplies	148.20
Mr. Automotive	Supplies	322.50
Naumann, Sondra	Cleaning Service	120.00
Nebraska Department of Revenue	Sales & Use Tax	43,677.10
Nebraska Public Power District	Power Purchase	705,875.59
NE Regional Library Systems	Conference / Seminars	10.00
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,366.83
Paulsen Inc.	Concrete	176.25
Platinum Plus for Business	Supplies	201.52
Plum Creek Market Place	Food	26.96
S & W Auto Parts, Inc.	Central Garage Supplies	386.81
Sargent Drilling Company	Well #14 & #15 Repairs	12,127.02
Sign Pro	Office Supplies	90.00
TierOne-City Petty Cash	Petty Cash / Misc. Expense	65.34
TierOne-Library Petty Cash	Postage	4.74
U-Save Business Equipment	Office Supplies	120.69
Univar USA, Inc.	Caustic Soda / WWTP	6,679.96
Wal-Mart	Supplies	442.65
Wesco Distribution, Inc.	Electric Supplies	72.87
	TOTAL:	1,227,528.20

WATER LINE-DAWSON COUNTY MUSEUM:

Peplitsch requested Council's consideration to participate in a water extension project needed by the Dawson County Historical Society for their planned museum addition. He explained that the city would incur approximately 75% of total cost of the line expansion with the museum would complete the installation of the line. Moved by Fagot, seconded by Miller, to participate with Dawson County Historical Society in a water line extension project for the museum addition. Roll Call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

RESOLUTION:

Peplitsch requested the Council to deed a tract of land to the Lexington CRA. Following discussion, Resolution No. 06-26 was read before Council. Moved by Miller, seconded by Bennett, to approve Resolution No. 06-26. Roll Call. Voting "aye" were Fagot, Bennett, Miller, Tomasek. Motion carried.

RESOLUTION NO. 06-26

WHEREAS, the City of Lexington has received title to the following described real estate by purchase in lieu of foreclosure sale; and

WHEREAS, the Community Redevelopment Authority of the City of Lexington is preparing a redevelopment project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said redevelopment project by transferring title to said real estate to the Community Redevelopment Authority.

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

That the President of the Council is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Redevelopment Authority of the City of Lexington, Nebraska, the following described real estate, to-wit:

The West 308.35 feet of the North 320 feet of Lot 23, and the South 135 feet of the North 320 feet of the East 32.4 feet of the West 340.75 feet of Lot 23, in Tract "C" of the Subdivision of "B" and "C" of the Subdivision of the East Half of Section Six (6), Township Nine (9) North, Range Twenty-one (21) West of the 6th P.M. within the City of Lexington, Dawson County, Nebraska;

Passed and approved October 10, 2006.

Steve Tomasek, Vice-President of Council

Attest: Pamela Berke, Deputy City Clerk

ORDINANCE:

Pepplitsch gave an overview of the proposed IPMC 2003. Following discussion, an ordinance entitled "AN ORDINANCE TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TO PROVIDE PROPERTY MAINTENANCE STANDARDS FOR ALL PROPERTY, BUILDINGS AND STRUCTURES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE" was read before the Council. Moved by Miller, seconded by Bennett, to suspend rules regarding reading on three separate occasions. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek. Motion carried.

Said ordinance was read before the Council. Moved by Bennett, seconded by Miller, to adopt Ordinance No. 2222. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek. Motion carried.

ORDINANCE:

Pepplitsch advised that with adoption of the IPMC 2003, Chapter 18 of the City code would need revision. Following discussion, an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 18 OF THE LEXINGTON CITY CODE; TO MODIFY PROVISION RELATING TO ABATEMENT OF NUISANCES; TO REPEAL ORIGINAL CHAPTER 18 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. Following discussion, moved by Fagot, seconded by Miller, to suspend the rules regarding reading of ordinance on three separate occasions. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

Said ordinance was read before Council. Moved by Miller, seconded by Bennett, to approve Ordinance No. 2223 on final reading. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek. Motion carried.

ROUNDTABLE:

Peplitsch reported on the statistics for the month of September 2006 for the Lexington Volunteer Fire Department, progress on the Grand Generation Center project, Historical Lighting Project, the Pedestrian Trail by the end of the year, and plans for the Council chambers.

Burnside reported on recent NIMS training with key personnel within the city. He also reported that an open house, held by the NE Department of Roads, will be on Thursday, October 12, 2006 at the Lexington Public Library for expansion of the Jackson Street/Highway 283 viaduct.

ADJOURNMENT:

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

Steve Tomasek
Vice President of Council

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