

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 11, 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, City Attorney Willard Weinhold and Deputy City Clerk Shirley Lewis.

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.

MINUTES – REGULAR MEETING – 03-28-06: Minutes of the Regular Meeting scheduled for Tuesday, March 28, 2006 was presented for Council’s consideration and approval. Moved by Miller, seconded by Bennett, to approve the minutes of the Regular Meeting held March 28, 2006 as presented. Roll call. Voting “aye” were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,304,847.94 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Fagot to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$202,649.11 from the General Fund, \$4,166.67 from Ed Reuse, \$1,662.50 from Housing Reuse, \$728,584.75 from LEXUS, \$10,000.00 from Sanitation, \$3,995.57 from Ambulance Fund, \$300,000.00 from Police Pensions, \$44,385.16 from Health Fund, \$9,404.18 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Fagot, Tomasek, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 11, 2006

A.C. Technologies, LLC	Library Supplies	212.50
All Points Cooperative	Propane	17.50
Alltel	Cellphone Service	92.51
Arrow Seeds	Parks / Cemetery Supplies	427.50
B & D Office City	Office Supplies	137.96
Barmore Drug Store, Inc.	Ambulance Supplies	47.98
Berntson Oil	Fuel / Oil	1,485.41
Biothane Corporation	WWTP / Biomass	2,711.22
Card Center/Orscheln	Supplies	103.63
Case Credit Advantage	Supplies	117.66

Cash-Wa Distributing	Food & Supplies	602.83
Central Garage Fund	Maint. / Repairs / Fuel	19,962.76
Conney Safety Products	Supplies	838.28
Corporate Benefit Svcs of America	Premium	19,014.05
Culligan Water Conditioning, Co.	Soft Water Supplies	193.95
D & R Computing	Ambulance Supplies	35.00
Dan's Sanitation	Sanitation Fees	12,243.67
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson County Public Power	Power Purchase	263.97
Dawson County Register of Deeds	Filing Fees	8.50
Dawson County Surveyor	Survey	203.60
Dawson Pest Control	Building Maintenance	27.00
Depository Trust Co.	2004 GO Bond Interest	30,620.00
Designer Craft Woodworking	Supplies	8.32
Diamond Vogel Paint	Supplies	188.20
Ditch Witch of Nebraska, Inc.	Trencher	16,050.00
Eakes Office Products	Office Supplies	851.95
Eilers Machine & Welding	Supplies	29.16
Electric Fixture	Supplies	507.53
EMS Billing Services, Inc.	Collection Fee	1,632.36
Fagot Refrigeration & Electric	Maintenance / Repairs	1,952.87
Family Eyewear	Safety Glasses	206.00
Fastenal	Supplies	31.23
Fisher Scientific	WWTP Supplies	187.22
Gengenbach, Kevin	Rental	165.00
Greg Larson Sports	Recreation Supplies	836.04
H. O. Smith Company	Loschen Property / CED	362.50
Health Claims Fund	Claims	39,909.67
Hipp Wholesale Foods, Inc.	Food & Supplies	517.68
Home Fed Savings & Loan Assoc	Loader Payment	15,145.58
Hometown Brand Center	Appliance / WWTP	449.99
Hometown Leasing	Copier Lease	152.44
Ingram Library Services	Books	76.54
Jones Plumbing & Heating	Maintenance / Supplies	846.08
Kapco	Library Supplies	52.48
Kemps-Gillette	Beverages	167.83
Kinder Morgan	Gas Service	25,476.59
Kriz-Davis Company	Electric Supplies	1,629.42
Latina	Subscription	9.97
Lexington Animal Clinic	Animal Care	854.05
Lexington Area Solid Waste	Landfill	822.24
Lexington Glass Company	Police Dept. Supplies	200.00
Lexington Health Fund	Self-funding	33,295.24
Lexington Newspapers, Inc.	Publications	687.82
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto	Central Garage Supplies	60.00
Lexington True Value	Supplies	9.16
Lexington Volunteer Fire Dept.	Ambulance Fees	1,625.49
Lexington, City of	Franchise / Service Fees	37,802.99
Payroll	Wages	88,851.89
Social Security	Employer Port/FICA Med	6,588.87
ICMA	City Manager Pension	268.64
Linda's Stitches & Creations	Shirts	1,723.10
Linweld	Ambulance Supplies	100.64
Lowry's Custom Sewing & Upholstery	Uniform Expense	6.00

Marlin Leasing Corp.	Mail Machine Payment	570.16
Matt Parrott And Sons Company	Office Supplies	195.28
Mead/Big Valley Lumber	Supplies	233.05
Mellen & Associates, Inc.	Water Dept. Supplies	609.06
Menards-Kearney	Park Supplies	434.37
Mid-Nebraska Printing	Office Supplies	1.90
Mr. Automotive	Central Garage Supplies	30.23
National Waterworks	Supplies	382.79
Naumann, Sondra	Cleaning Service	42.00
Nebraska Conference of Building Officials & Inspectors	Conference	40.00
Nebraska Machinery	Central Garage Supplies	979.45
Nebraska Municipal Power Pool	Membership Dues	1,936.65
Nebraska Public Power District	Power Purchase	520,719.60
NE Truck & Equipment Co., Inc.	Central Garage Supplies	1,550.37
Nebraska Waste Handlers	Sludge Removal	5,256.00
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,499.75
Paulsen, Inc.	Concrete	840.75
Pinnacle Agency, The	Insurance	1,403.00
Platinum Plus For Business	Supplies	896.86
Platte Valley Auto Mart	Central Garage Supplies	30.36
Platte Valley Communications	Maintenance / Repairs	1,085.78
Price's Tree Service	Snow Removal	1,625.00
Random House Direct	Books	91.80
Random House, Inc.	Book	68.85
Recorded Books	Books	251.20
S & W Auto Parts, Inc.	Central Garage Supplies	2,027.09
Sav A Lot Discount Foods	Food	139.21
Schwan's Sales Ent	Food	189.84
Service Master Mid Nebraska	Cleaning Service	65.00
Sich, John	Boots	95.76
Skaret, Matt	Expense Reimbursement	261.11
Steve's Lock & Key	Supplies	45.60
Superior Signals, Inc.	Central Garage Supplies	268.60
T. O. Haas Tire Co., Inc.	Tires	110.81
Team Detail & Quicklube	Car Wash	60.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	23.14
Tri-City Tribune	Publications	56.00
Tri-County Hospital	Wellness / Service	456.00
TSM Cleaning / Sophie Sarratt	Cleaning Service	832.00
U-Save Business Equipment	Office Supplies	239.19
Unique Books, Inc.	Books	73.44
Upstart	Office Supplies	57.51
Vetronix, Inc.	Ambulance Supplies	28.50
Wal-Mart	Supplies	303.10
Weathercraft Company	Building Maintenance	772.74
Wesco Distribution, Inc.	Electric Supplies	123.26
Willard Weinhold Law Office	Fees	1,206.50
All Points Cooperative	Fuel	112.82
Anderson Graphics	Library Supplies	26.25
B & D Office City	Office Supplies	96.01
Builders Warehouse	Library Supplies	179.64
Card Center/Orscheln	Supplies	189.93
Cash-Wa Distributing	Food	439.79
Dawson Area Development	Membership Fee	10,000.00

Dawson Co. Public Power Dist.	Power Purchase	4,397.03
Electric Fixture	Supplies	52.73
Fox Bros. Hay. Co., Inc.	Tree Grinding Service	1,723.77
Farmer Brothers Coffee	Food & Supplies	108.12
Gnirk Lawn Care, Inc.	Lawn Care	740.00
H. O. Smith Co.	Title Certificates	1,300.00
Health Claims Fund	Claims	4,475.49
Hipp Wholesale Foods, Inc.	Food	545.73
Holbein, Dahlas	Lawn Care	60.00
Ingram Library Services	Books	46.57
International Code Council, Inc.	Membership Dues	100.00
Junior Library Guild	Books	430.20
Keep Lexington Beautiful	Wal-Mart Donation	250.00
Kemps-Gillette	Food	81.04
Landeros, Juana Maria	Utility Refund	45.97
Lexington, City of	Budget Transfer	300,000.00
Lexington Newspapers, Inc.	Publications	331.27
Lexington Recreation Program	Softball/Baseball Instr	1,400.00
Loose, Larry	Ambulance Refund	43.79
Mead/Big Valley Lumber	Electric Supplies	2.97
Medicare	Ambulance Refund	175.20
Mid-Nebraska Printing	Office Supplies	324.60
Misko Sporting Goods	Recreation Supplies	304.86
Mr. Automotive	Supplies	9.70
NE Dept of Economic Dev.	Mid Plains CDBG Loan Payment	4,166.67
Nebraska Department of Labor	Unemployment	3,536.00
Nebraska Department of Revenue	Sales & Use Tax	33,949.76
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,311.13
Platinum Plus For Business	Supplies	15.30
Precision Industries	Supplies	36.02
Sav A Lot Discount Foods	Food	22.08
T. O. Haas Tire Co., Inc.	Tire Repair	57.66
TierOne-City Petty Cash	Petty Cash/Misc Exp.	125.20
U-Save Business Equipment	Office Supplies	311.89
Univar USA, Inc.	WWTP/Sodium Hydroxide	7,733.60
Wal-Mart	Supplies	220.15
	TOTAL:	1,304,847.94

**PUBLIC COMMENT
PERIOD:**

Mrs. Audrey Albright, 1406 North Washington, addressed the Council regarding the responsibility party for maintenance of the area between the two fences on the south side of her property. Mrs. Albright was informed to file a nuisance complaint with the City.

LIQUOR LICENSE:

Mayor Cook opened the Public Hearing. No one representing Casey's General Stores #1747 and #2068 was present for the meeting. Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Cook, to make no recommendation to the Liquor Control Commission, due to the fact that no one representing Casey's General Stores attended the Public Hearings. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Cook, Fagot. Motion carried.

**WATER LINE
UPGRADE:**

Pepplitsch requested Council consider the opportunity to upgrade the size of the water main for installation on West 13th Street in cooperation with the Lexington Airport Authority. Following

Pepplitsch's presentation, moved by Fagot, seconded by Tomasek, to authorize Administration to enter into an agreement with the Lexington Airport Authority for cost share of the upgrade project. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

AGREEMENT: Pepplitsch requested Council's approval of an Agreement for Engineering Services for the Handicap Ramp Improvement project. Following discussion, moved by Fagot, seconded by Tomasek, to authorize the Mayor to enter into an Agreement with Miller and Associates to design the Handicap Ramp Improvement project. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

AGREEMENT: Pepplitsch requested Council's approval of an Agreement for Engineering Services for the 13th Street Urban Reconstruction project. Following discussion, moved by Miller, seconded by Tomasek, to approve the Agreement for Engineering Services with Miller and Associates for the 13th Street Urban Reconstruction project and authorize the Mayor to execute all necessary documents. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

AGREEMENT: Pepplitsch requested Council's approval of an Agreement for Engineering Services for the Pedestrian Hike & Bike Trail project. Following discussion, moved by Tomasek, seconded by Bennett, to authorize the Mayor to enter into the Agreement with Miller and Associates to design the Pedestrian Hike & Bike Trail project. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

PUBLIC HEARING: Mayor Cook opened the Public Hearing. Pepplitsch requested Council's approval of a CDBG Re-use loan application from Davis Energy, Inc. Mr. Jeff Davis, representing Davis Energy, Inc. gave a brief overview of the project. Following discussion, Mayor Cook closed the Public Hearing. Moved by Miller, seconded by Fagot, to approve a CDBG Re-use loan application from Davis Energy, Inc., and authorize execution of all necessary documents. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Fagot. Motion carried.

PUBLIC HEARING: Mayor Cook opened the Public Hearing. Pepplitsch requested Council's approval of a loan application to the Lexington Economic Development Program from Cornhusker Energy Lexington, LLC and gave a brief history of the project. Mr. Tydd Rohrbaugh, President CEL also requested Council's approval of the loan application with a brief overview of operations. Following discussion, Miller stated that she felt it was important to make decisions in open session. Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller, to approve the Loan Application to the Lexington Economic Development Program from Cornhusker Energy Lexington, LLC, and authorize the execution of all documents. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot. Cook passed. Mayor Cook requested that it be reflected that he neither participated in the discussion, nor voted on this Agenda Item. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Discussion was held regarding outstanding appointments that need to be made to the remaining Boards and Commissions for 2006. This item will be put on the next regular meeting agenda.

City Attorney Weinhold commented on the concealed weapon law recently passed by the state legislature. This will need to be addressed by the Council in the near future.

ADJOURNMENT:

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

Ted Cook
Mayor

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