

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 22, 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, Deputy City Clerk Shirley Lewis and Administrative Assistant Pam Berke. Department Heads present were Charles Clark and Barb Mills, and Dana Daniels of Miller & Associates. Citizens attending included Buck Teply, Kris Teply, Connie Bennett, and Dick Helvey.

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 8-8-06:**

Minutes of the Regular Meeting scheduled for Tuesday, August 8, 2006 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Regular Meeting held Tuesday, August 8, 2006 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$352,435.27 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$153,413.35 from the General Fund, \$152,119.19 from LEXUS, \$23,987.73 from Sanitation, \$170.00 from Ambulance Fund, \$37.77 from Library Memorial, \$16,101.52 from Health Fund, and \$6,605.71 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Fagot, Miller, Tomasek, Bennett, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 22, 2006

AFLAC	Premiums	1,155.46
All Points Cooperative	Fertilizer / Supplies	1,835.33
All-American Sewer	Service / WWTP	200.00
Alltel	Cellphone Service	52.25
Askelson, T. J.	Electric Dept. / CDL	22.00
Automotive Sales & Service.	Central Garage Supplies	10.28
Bob's Auto Repair & Service	Vehicle Repair / Central Garage	581.14

Buysm Sod	Grass Sod	160.00
Card Center/Orscheln	Supplies	22.99
Case Credit Advantage	Central Garage Supplies	205.14
Cash-Wa Distributing	Food & Supplies	740.00
Central Garage Fund	Maintenance / Repairs	5,063.99
Conney Safety Products	Glasses	237.01
Country Books	Book	23.98
Davis Energy, Inc.	Fuel	7,100.48
DeBruce Grain	Tire Collection	60.00
Dutton-Lainson Company	Poles / Supplies	3,499.32
Eakes Office Plus	Office Supplies	8.99
Eilers Machine & Welding	Central Garage Supplies	291.76
Electric Fixture	Electric Supplies	296.14
Farmer Brothers Coffee	Food & Supplies	157.41
Fastenal	WWTP Supplies	69.86
Fed Ex	Shipping Fees	117.09
Fisher Scientific	WWTP Supplies	335.28
Flowers of Joy	Office Supplies	44.00
Galeton Gloves	Uniform Expense	76.35
Galls, Inc.	Uniform Expense	181.72
Geotechnical Services, Inc.	GGC Project	1,675.00
Gnirk Lawn Care, Inc.	Lawn Care / Pool	810.00
Graphic Screen Printing	Uniform Expense	72.00
H2O Technical Services, Inc.	WWTP Supplies	279.49
Hach Company	WWTP Supplies	76.00
Health Claims Fund	Claims	14,946.06
Hipp Wholesale Foods, Inc.	Food & Supplies	1,296.36
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Holiday Inn Express	Umpire Expense	1,361.00
Hunt Cleaners, Inc.	Gloves	368.28
Husker Ag Sales	Supplies	14.40
Ingram Library Services	Books	105.47
Kemps-Gillette	Beverages	161.40
Kirby Plumbing, Inc.	WWTP Supplies	12.66
Kriz-Davis Company	Electric Supplies / Wire	6,473.50
Lexington Glass Co.	Central Garage Supplies	80.00
Lexington Newspapers, Inc.	Publications	416.18
Lexington True Value	Supplies	47.98
Lexington City Payroll Account		
Payroll	Wages	108,030.24
Social Security	Employer Portion / FICA Med	8,029.51
First National Bank	Employer Portion / Pension	3,217.44
First National Bank	Police Pension	1,306.73
ICMA	City Manager Pension	354.50
McCookNet Internet Services	Service	139.00
Mead/Big Valley Lumber	Supplies	1,440.30
Mid-Nebraska Printing	Office Supplies	262.50
Midlands Contracting, Inc.	Emergency Valve Replacement	13,321.50
Mr. Automotive	Central Garage Supplies	203.22
National Fire Protection Assn	Membership Fee	135.00
Natl Waterworks/Hughes Supply	Meters	1,293.59
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,482.35
Neopost	Postage	1,500.00
Overton Community Center	MOW	100.00
Paulsen, Inc.	Concrete	113.15
People Books	Book	36.90
Pinnacle Agency, The	Premium	45.00

Platte Valley Auto Mart	Central Garage Supplies	131.23
Plum Creek Cleaners	Supplies	59.00
Plum Creek Motors	Central Garage Supplies	55.64
Precision Industries	Central Garage Supplies	95.41
Recorded Books	Books	159.60
Reiman Publications	Subscription	12.98
S & W Auto Parts, Inc.	Central Garage Supplies	249.65
Saturday Evening Post, The	Subscription	14.97
Sav A Lot Discount Foods	Food	11.03
Schwan's Sales Ent	Food	76.93
Sensus Metering Systems	Sensus System Support	1,200.00
Skarshaug Testing	Testing	231.80
SkillPath Seminars	Seminars / Dennis Burnside	199.00
Smith, Terry	Travel Expense	471.85
Specialty Store Services, Inc.	Library Supplies	57.63
Subway of Lexington	Food	287.20
Subway Sandwiches & Salads	Food	29.75
Swanson Corporation, The	Seminars / Terry Smith	894.96
T & R Service	Transformer Disposal	1,149.00
T. O. Haas Tire Co., Inc.	Tire Repair	71.01
Team Detail & Quicklube	Car Washes	149.00
Technical Maintenance & Service	WWTP / Repair	1,100.20
TierOne-Lib. Petty Cash	Postage	13.46
Tri-City Outdoor Power	Central Garage Supplies	41.52
T S M Cleaning	Library Cleaning Service	832.00
Tyler Technologies	Software Maintenance	9,263.75
U-Save Business Equipment	Office Supplies	386.85
Util Section-League of NE Muni	Annual Dues	3,289.00
Wal-Mart	Supplies	404.03
ZooBooks	Subscription	19.95
Alamar Uniform Co.	Uniform Expense	190.66
All-American Sewer	Service / WWTP	200.00
Alltel	Cellphone Service	375.38
Associated Supply Company, Inc.	Pool Supplies / Chlorine	2,425.44
B & D Office City	Office Supplies	61.46
Cash-Wa Distributing	Food & Supplies	489.96
Center Point Publishing	Books	37.77
Chapman, Randy	Electric Rebate	1,475.00
Country Home Magazine	Subscription	21.97
Dan's Sanitation	Sanitation Fees	23,987.73
Dawson County Handibus	Transportation	40.00
Dunrite, Inc.	WWTP Supplies	158.26
Eakes Office Plus	Office Supplies	17.24
EZ Liner Industries	Central Garage Supplies	33.54
Fisher Scientific	Testing Supplies	317.45
Galls, Inc.	Supplies	129.93
G-Neil	Software Program Update	353.13
Ingram Library Services	Books	48.51
Kemps-Gillette	Beverages	79.97
Knapp Electric	WWTP / Lift Pump Repair	1,985.37
Knox, Gina	Electric Rebate	1,025.00
Lawson Products, Inc.	Electric Supplies	129.27
Lexington Glass Co.	Central Garage Supplies	80.00
Lexington Newspapers, Inc.	Publications	327.22
Lexington Utilities System	Utilities	22,328.99
Lexington, City of	Franchise / Service Fees	61,384.38
Mead/Big Valley Lumber	Supplies	78.65

Miller & Associates	Retainer Service	800.00
Morris, Sean J.	Utility Refund	167.26
National Council On The Aging	Membership Dues	95.00
Natl Waterworks/Hughes Supply	Meters	1,149.63
NePRA	Recreation DeptSeminars	150.00
Quill Corporation	Office Supplies	26.22
Resource Management Co., Inc.	Tire Removal	16,897.64
Riverside Manufacturing Company	Uniform Expense	678.11
Smith, Terry	Uniform Expense	117.43
Sporting Edge, The	Pool Supplies	232.00
Statler, Angie	Cleaning Service / GGC	560.00
T. O. Haas Tire Co., Inc.	Tire Repair	38.00
TierOne-City Petty Cash	Petty Cash / Misc. Expense	42.70
TierOne-Library Petty Cash	Postage	7.42
U-Save Business Equipment	Office Supplies	48.14
Wal-Mart	Supplies	80.36
	TOTAL CLAIMS:	352,435.27

SMOKING PROHIBITION:

Council considered approval of Resolution placing an Ordinance prohibiting smoking in public buildings and places of employment on the November 2006 general election ballot. Moved by Cook, seconded by Miller, to amend said resolution to read “forum” instead of “hearing”. Roll Call. Voting “aye” were Fagot, Bennett, Tomasek, Miller and Cook. Motion carried.

Said Resolution was read before Council. Moved by Miller, seconded by Bennett to approve Resolution No. 06-19. Roll call. Voting “aye” were Bennett, Miller, and Cook. Voting “nay” were Fagot and Tomasek. Motion carries.

RESOLUTION NO. 06-19

A RESOLUTION OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AUTHORIZING AND DIRECTING THAT A BALLOT ISSUE BE PLACED ON THE GENERAL ELECTION OF NOVEMBER 7, 2006, FOR CONSIDERATION BY THE ELECTORS OF THIS MUNICIPALITY, TO CONSIDER THE ADOPTION OF AN ORDINANCE TO BAN SMOKING IN PUBLIC PLACES;

WHEREAS, Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that second -hand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, There is no safe level of exposure to secondhand smoke.

WHEREAS, the Mayor and City Council have held a public forum regarding the adoption of an ordinance banning smoking in public places, and have determined that said issue should be submitted to the electorate.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF LEXINGTON THAT:

1. The attached Smoking Ban Ordinance, banning smoking in public places, is hereby proposed for approval of the voters of the City of Lexington, Nebraska at the General Election on November 7, 2006.
2. That the County Clerk of Dawson County, Nebraska, is directed to submit to the voters of said City the following proposition:

“Shall the City of Lexington, Nebraska adopt a Smoking Ban Ordinance, as proposed by the Lexington City Council?”

[] YES (For the Ordinance)

[] NO (Against the Ordinance)

Passed and approved this 22nd day of August, 2006.

CITY OF LEXINGTON, NEBRASKA
BY: Ted Cook, Mayor

Attest:

Shirley Lewis, Deputy City Clerk

ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO ADOPT SEXUAL PREDATOR RESIDENCY RESTRICTIONS; TO PROHIBIT CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL PREDATORS FROM RESIDING IN CERTAIN AREAS WITHIN THE CITY OF LEXINGTON; TO ESTABLISH PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before council. Moved by Fagot, seconded by Tomasek, to suspend the rules requiring the reading of said ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Bennett to approve Ordinance No. 2216 on Final Reading. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

ORDINANCE:

Pepplitsch requested Council’s consideration of an ordinance providing for the licensing and regulation of street vendors. Following discussion, the council directed city administration to develop fee schedule and bring back to Council at later date.

PROJECT PLANS:

Dana Daniels presented plans and specifications for the Handicap Ramp Improvement Project. Moved by Miller, seconded by Fagot to accept plans and specifications and authorize advertisement for bids contingent on approval from NDOR. Roll Call. Voting “aye” were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

FINANCIAL REPORT:

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

ROUNDTABLE DISCUSSION:

Pepplitsch requested input from Council regarding discontinuing leaf collection service currently done by the City. Council directed Administration to issue a news release to inform citizens of the discontinuation of leaf collection service.

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