

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 8, 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 Shirley Lewis. Department Heads present were Charles Clark, Ann Luther, 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 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 – 7-25-06:**

Minutes of the Regular Meeting scheduled for Tuesday, July 25, 2006 was presented for Council’s consideration and approval. Moved by Miller, seconded by Tomasek, to approve the Minutes of the Regular Meeting held Tuesday, July 25, 2006 as presented. Roll call. Voting “aye” were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

**MINUTES – PUBLIC
FORUM – 7-26-06:**

Minutes of the Public Forum scheduled for Wednesday, July 26, 2006 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Public Forum held Wednesday, July 26, 2006 as presented. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$1,378,218.36 was 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 \$228,801.33 from the General Fund, \$67,071.67 from Ed Reuse, \$2,371.10 from Housing Reuse, \$1,032,644.41 from LEXUS, \$10,000.00 from Sanitation, \$7,839.57 from Landfill, \$10,683.50 from Ambulance Fund, \$10,447.02 from Health Fund, and \$8,359.76 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 8, 2006

All Points Cooperative

Fuel / Supplies

679.32

Arrow Seed Company, Inc.	Park / Cemetery Supplies	420.00
Axis Capital	Mail Machine Payment	455.85
B & D Office City	Office Supplies	78.10
Barco Municipal	Street Supplies	367.83
Business & Professional Credit	Collection Fees	1,227.59
Card Center/Orscheln	Supplies	31.27
Case Credit Advantage	Supplies / Repairs	2,069.08
Case, Tucker	Conference / Seminars	165.00
Cash-Wa Distributing	Food & Supplies	140.09
Central Garage Fund	Maintenance/Repairs/Fuel	18,179.89
Corporate Benefit Svcs of America	Premium	17,788.48
Culligan Water Conditioning, Co.	Soft Water Supplies	155.48
Dan's Sanitation	Sanitation Fees	11,508.76
Davis Energy, Inc.	Fuel	1,542.52
Dawson County Clerk	Dispatch Fees	6,804.08
Delta Dental Of Nebraska	Binder for Dental Plan	1,073.80
Demco	Office Supplies	187.79
Downey Drilling, Inc.	Supplies	21.32
EDM Equipment Company	Central Garage Supplies	213.80
Eilers Machine & Welding	Repair / Supplies	88.36
Eustis Body Shop	Repair	51.00
Fisher Scientific	WWTP Supplies	84.53
FYR-TEK	Service	684.44
Health Claims Fund	Claims	7,416.02
Holiday Inn	Conf./Seminars/Police	64.96
Hometown Leasing	Copier Lease	472.46
Husker Ag Sales	Supplies/Down Pmt-Lease	5,024.00
Ingram Library Services	Books	527.20
Jim Phillips Const.	Street Repair	1,716.00
Johnson, Lane	Conference / Seminars	165.00
Jones Plumbing & Heating	Maintenance / Supplies	230.87
K. R. V. N. - FM	Advertising	173.60
Kinder Morgan	Gas Service	2,505.66
Knapp Electric	Service / Repair	61.26
Kriz-Davis Company	Electric Supplies	484.18
League of Nebraska Municipalities	Membership Dues	7,003.00
Lexington Area Solid Waste	Landfill	1,518.93
Lexington Health Fund	Self-funding	33,213.75
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	113.95
Lexington, City of	Franchise / Service Fees	37,819.41
Payroll	Wages	117,914.80
Social Security	Employer Port/FICA Med	8,818.90
First National Bank	Employer Port/Pension	3,329.68
First National Bank	Police Pension	1,321.62
ICMA	City Manager Pension	354.50
Lynn Peavey Company	Supplies	15.96
Mac's Creek Vineyards and Winery	ED Reuse Loan	58,862.50
McCookNet Internet Services	Service / Library	162.50
Mead/Big Valley Lumber	Park Supplies	998.48
Mead Rental Center	Supplies	34.93
Menards-Kearney	Supplies	59.97
Mendoza, Tone'	Supplies	15.52
Milco Environmental Services, Inc.	Water Test Analysis/ Disposal Site	8,339.57
Miller & Associates	Serv.Bldg.Paving/20th St.Wtr. Extension/Skate Park	5,531.86

Mr. Automotive	Supplies	40.62
NE Dept. of Economic Dev	Mid Plains / Orthman's	
	CDBG Loan Payments	8,209.17
NE Dept. of Health & Human Svcs	Water Dept. School /	
	Certification Fee	294.00
Nebraska Machinery	Supplies	113.33
Nebraska Public Power District	Power Purchase	818,149.36
Nebraska State Treasurer	Unclaimed Property	960.83
Nebraska Waste Handlers	Sludge Removal	7,592.00
Nelson, Margie L.	Cleaning Service	500.00
Olsson Associates	Historical St Ltg-Phase II	4,758.48
Paulsen, Inc.	Concrete	71.16
Pioneer Industrial Corp.	WWTP Supplies	1,698.47
Platte Valley Communications	Maint/Rprs/Well Controls	10,214.41
Quality Resource Group, Inc.	Office Supplies	1,250.39
Random House, Inc.	Books	114.75
Recorded Books	Book	39.80
Richardson, Wes	Utility Refund	38.22
S & W Auto Parts, Inc.	Central Garage Supplies	1,128.80
Sav A Lot Discount Foods	Food	4.65
Schwan's Sales Ent	Food	45.95
Service Master Mid Nebraska	Carpet Cleaning	65.00
Subway Sandwiches & Salads	Food	26.34
Sunshine Filters of Pinellas, Inc.	WWTP Supplies	144.25
T. L. Sund Constructors, Inc.	CED Proj/511 W. Walnut	1,096.10
T. O. Haas Tire Co., Inc.	Tires / Repair	507.05
Tasc	Flex Plan	179.40
Team Detail & Quicklube	Car Wash	40.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	19.71
Total Lawn Care	Lawn Care	2,445.00
Tri-City Tribune	Publications / Subscription	169.50
TSM Cleaning / Sophie Sarratt	Cleaning Service	832.00
U-Save Business Equipment	Office Supplies	458.02
Univar USA, Inc.	Ferric Chloride	6,263.16
Wal-Mart	Supplies	123.97
Wesco Distribution, Inc.	Svc Wire / Copper Wire	8,790.05
Willard Weinhold Law Office	Fees	1,447.50
Woodworking for Women	Book	29.91
All Points Cooperative	Fuel	35.02
Alloy Specialty, Inc.	OOH Housing Expense	1,275.00
Alltel	Cellphone Service	93.90
Anderson Graphics	Library / Rec Supplies	413.75
Arnold Pool Company	Supplies	27.95
Beringer, Ciaccio, Dennell, Mabrey	Architect / GGC	25,235.00
Case Credit Advantage	Supplies	23.59
Cash-Wa Distributing	Food & Supplies	3,054.52
Coca Cola / Dr. Pepper of Kearney	Beverages	178.50
Culligan Water Conditioning, Co.	Soft Water Supplies	51.00
Dan's Sanitation	Sanitation Fees	1,743.00
Dawson Area Development	Leadership Program	600.00
Dawson County Public Power	Power Purchase	6,707.01
Dawson County Register of Deeds	Filing Fees	62.00
Dawson Pest Control	Building Maintenance	27.00
Ecolab	WWTP Supplies	597.06
Electric Fixture	Supplies	189.87
EMS Billing Services, Inc.	Ambulance Fees	1,212.01
Farmer Brothers Coffee	Food & Supplies	140.17

FYR-TEK	Repair	144.22
Gengenbach, Kevin	Rental	275.00
Great Plains One-Call Service	Locates	133.43
Health Claims Fund	Claims	2,851.60
Hipp Wholesale Foods, Inc.	Food & Supplies	1,283.23
Holmes Plbg. & Htg. Supply Co.	Supplies	10.01
Ingram Library Services	Books	36.84
Jones Plumbing & Heating	Repair / Equipment	2,168.00
Kayton Electric, Inc.	Repair	779.66
Kemps-Gillette	Beverages	335.76
Kriz-Davis Company	Supplies / Wire	6,846.51
Lexington Animal Clinic	Animal Care	1,152.30
Lexington Newspapers	Publications	222.14
Lexington True Value	Parts	9.49
Lien Lawn Service	Lawn Care	748.00
Linweld	Oxygen	57.26
Mac's Short Stop	Food	17.94
Mead Rental Center	Supplies	49.90
Medtronic	Defibrillator / Monitor	9,117.00
Menards of Kearney	Supply Refund	-7.88
Nat Waterworks/Hughes Supply	Meters	907.72
Naumann, Sondra	Cleaning Service	48.00
NE Association of Senior Centers	Conference / Seminars	110.00
Nebraska Department of Revenue	Sales & Use Tax	44,314.65
Nebraska Department of Roads	Millings	2,260.50
Omaha World Herald	Publication	555.16
Overton Sand & Gravel	Gravel	117.70
Paulsen Inc.	Concrete	75.44
Platinum Plus For Business	Supplies	15.05
Platte Valley Communications	Siren / Pager Repair	184.00
Plum Creek Cleaners	Supplies	148.00
Ramirez, Jorge	Electric Rebate	125.00
Random House, Inc.	Books	124.10
Sav A Lot Discount Foods	Food	12.54
Schwan's Sales Ent	Food	87.91
Sign Pro	Supplies	64.75
Summit Supply Corporation	Tables / Parks	3,305.00
Sund, Travis	Electric Rebate	1,025.00
Statler, Angie	Cleaning Svc/Strip & Wax	
	Floors	575.00
TierOne-City Petty Cash	Petty Cash / Misc. Exp.	26.36
Tri-County Hospital	Wellness / Service	398.00
Underground Construction, Inc.	Boring / Garfield - Pierce	7,604.50
U-Save Business Equipment	Office Supplies	9.77
Wal-Mart	Supplies	381.98
Ward Laboratories	Water Test	36.00
Wesco Distribution, Inc.	Electric Supplies	1,508.70

TOTAL: 1,378,218.36

PUBLIC COMMENT PERIOD:

Antonio Hernandez addressed the City Council, regarding his concern with racism in the community.

PROJECT PLANS:

Dave Fishman, representing BCDM Architects, presented plans for an expansion project at the Lexington Grand Generation Center. The project cost would be funded at 100% through \$350,000 CDBG Funds, and \$150,000 in private donations. Following discussion, moved by

Fagot, seconded by Miller, to accept the plans and specifications for the Grand Generation Center Expansion Project, and authorize the advertisement for bids. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

SMOKING PROHIBITION: Moved by Cook, seconded by Miller, to place the draft ordinance, known as the Lexington Smoking Regulation Act, on the ballot in November.

Discussion was held on the issue. The following individuals spoke on the issue of a smoking ban: Buck Teply, Ed Bennett, Kristi Teply, Brad Larson, Dave Lawhead, and Neal Kohl. Council Members Fagot, Miller, Tomasek, and Cook voiced their opinions on the issue. Following discussion, moved by Fagot, seconded by Tomasek, to table this item until further research and discussion could be held in order to make a sound decision regarding the proposed draft ordinance. Roll call. Voting “aye” were Tomasek and Fagot. Voting “nay” were Miller, Bennett, Cook. Motion fails.

Further discussion was held. Moved by Cook, seconded by Miller, to table this Agenda Item until the next regular meeting, and direct Administration and City Attorney to prepare a Resolution which would direct the issue to the voters on the November election ballot. Roll call. Voting “aye” were Bennett, Miller, Cook. Voting “nay” were Fagot, Tomasek. Motion carries.

ORDINANCE: Peplitsch requested Council’s consideration of 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”. The ordinance was read by title before Council. Moved by Fagot, seconded by Tomasek, to approve said Ordinance on First Reading. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

ORDINANCE: Peplitsch requested Council’s consideration of an ordinance providing for the licensing and regulation of street vendors. Speaking in favor of the proposed Ordinance was Dave Sheldon and Vickie Gilpin. Following discussion, the ordinance will be brought back to Council for consideration.

AIRPORT BUDGET REQUEST: Peplitsch requested Council’s allocation of tax levy authority to the Lexington Airport Authority. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No: 06-18. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO: 06-18

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$112,000.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2006-2007.

Passed and approved this 8th day of August, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

ACCOUNTS RECEIVABLE: Peplitsch requested Council's authorization to remove balances for accounts deemed uncollectible. Following discussion, moved by Miller, seconded by Tomasek, to authorize the City Treasurer to remove balances for accounts deemed uncollectible. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch requested that Council schedule a budget workshop in conjunction with the next council meeting. Following discussion, Council scheduled a Budget Workshop Meeting for Tuesday, August 22, 2006 at 6:00 p.m.

Deputy City Clerk Shirley Lewis, announced her resignation, effective September 1, 2006. Council and Staff was thanked for giving her the opportunity to be a part of the Organization over the last 9 ½ years.

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