

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 12, 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 Administrative Assistant Pam Berke. Department Heads present were Charles Clark, Ann Luther and Barb Mills. Citizens attending included Audrey Allbright, Paul St. John, Marcia Holtz, Bernita Brin, Steve Heldt, Connie Bennett, and Dick Helvey. Members of the press included Harry Perkins, Kearney Hub, and Barb Batie, Lexington Clipper-Herald.

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 – BUDGET
WORKSHOP 8-22-06:**

Minutes of the Budget Work session held Tuesday, August 22, 2006 were presented for Council's consideration and approval. Moved by Miller, seconded by Tomasek, to approve the Minutes as presented. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

**MINUTES – REGULAR
MEETING 8-22-06**

Minutes of the Regular meeting held Tuesday, August 22, 2006 were presented for Council's consideration and approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion Carried.

**MINUTES – BUDGET
WORKSHOP 8-28-06**

Minutes of the Budget Work session held Monday, August 28, 2006 were presented for Council's consideration and approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting "aye" were Fagot, Miller, Tomasek, Bennett, Cook. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$2,192,182.39 were presented for Council's consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$214,336.85 from the General Fund, \$25,171.75 from TIF fund, \$8,209.17 from ED Reuse, \$1,903,277.31 from LEXUS, \$10,000.00 from Sanitation, \$5,441.46 from Ambulance Fund, \$16,056.26 from

Health Fund, and \$9,689.59 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 12, 2006

American Library Association	Supplies	29.90
All Points Cooperative	Fuel / Insecticide	548.26
Alltel	Cellphones	92.11
American Casting & Manufacturing Corp.	Electric Dept. / Seals	1,321.00
Arnold Pool Company	WWTP Supplies	101.50
Automotive Sales & Service.	Central Garage Supplies	5.80
Axis Capital	Mail Machine Payment	455.85
B & D Office City	Office Supplies	231.81
Barco Municipal	WWTP / Uniform Expense	189.89
Barmore Drug Store, Inc.	Supplies	65.81
Better Homes And Gardens	Book	29.91
Biothane Corporation	Granulated Sludge	22,097.00
Card Center/Orscheln	Supplies	243.49
Case Credit Advantage	Supplies / Repairs	1,961.30
Cash-Wa Distributing	Food & Supplies	1,868.68
Central Garage Fund	Maintenance / Repairs / Fuel	16,925.33
Community Redevelopment Auth	Land Purchase / Ward Property	25,171.75
CBSA	Premium	17,620.26
Culligan Water Conditioning, Co.	Soft Water Supplies	254.98
Dan's Sanitation	Sanitation Fees	11,124.76
Davis Energy, Inc.	Fuel	5,514.64
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson County Court	Court Fees	56.00
Dawson County Register of Deeds	Filing Fees	6.00
Dawson Pest Control	Building Maintenance	27.00
Depository Trust Co.	2002 Utility Bond Payment	703,762.50
Depository Trust Co.	2004 Utility Bond Payment	122,416.25
Downey Drilling Inc.	Library Service	50.00
Dutton-Lainson Company	Electric Dept. Supplies	167.31
EDM Equipment Company	Central Garage Supplies	540.00
Electric Fixture	Electric / Street Supplies	2,105.93
Eustis Body Shop	Vehicle Repair	1,101.06
EZ Liner Industries	Central Garage Supplies	108.01
Fagot Refrigeration & Electric	Service / Repair	1,278.34
Farmer Brothers Coffee	Food & Supplies	129.24
Fed Ex	Shipping Fees	51.74
Fox Bro. Hay Co., Inc.	Tree Grinding	2,575.13
Gale Group, The	Books	169.22
Galls Inc.	Uniform Expense	262.63
General Binding Corporation	Supplies	89.97
General Traffic Controls, Inc.	Electric Dept. Supplies	1,836.03
Health Claims Fund	Claims	14,082.92
Hipp Wholesale Foods, Inc.	Food & Supplies	1,024.53
Hometown Leasing	Copier Lease	472.46
Hunt Cleaners, Inc.	Electric Dept. Supplies	264.81
Ingram Library Services	Books	948.40
Jelco Carpet Cleaning	Clean Carpets	250.00
Jones Plumbing & Heating	Maintenance / Supplies	1,347.30
Kemps-Gillette	Beverages	330.47

Kiburz, Scott	Electric Rebate	900.00
Kinder Morgan	Gas Service	4,081.74
Knapp Electric	WWTP / Repair	910.93
Komline-Sanderson	Air Chambers / WWTP	967.72
Kratzer Electric, Inc.	Repairs	455.10
Kriz-Davis Company	Electric Supplies	579.68
Ladies' Home Journal	Subscription	14.97
Lexington Airport Authority	WR Line Upgrades	33,903.00
Lexington Animal Clinic	Animal Care	911.90
Lexington Area Chamber	NCCE Conference	65.00
Lexington Area Solid Waste	Landfill	1,187.01
Lexington Health Fund	Self-funding	32,954.72
Lexington Newspapers	Publications	319.50
Lexington Postmaster	Postage / Annual Fee	310.00
Lexington Recreation Program	Soccer Instruction	4,500.00
Lexington True Value	Supplies	60.74
Lexington, City of	Franchise / Service Fees	43,749.52
Payroll	Wages	100,673.14
Social Security	Employer Portion / FICA Med	7,453.00
First National Bank	Employer Portion / Pension	3,284.60
First National Bank	Police Pension	1,345.72
ICMA	City Manager Pension	354.50
Linweld	Oxygen Supplies	130.14
Mac's Short Stop	Food	26.91
Manager's Edge	Subscription	127.00
Mandelko, Hannah	Red Cross Lifeguard Instruction	90.00
Mason Motors & RV's	Fire Dept. Supplies	240.00
Matt Friend Truck Equipment	Central Garage Supplies	77.00
Matt Parrott and Sons Co.	Supplies	203.24
Mead/Big Valley Lumber	Supplies	244.44
Mead Rental Center	Supplies	13.32
Menards-Kearney	Supplies	7.88
Mid-Nebraska Printing	Supplies	247.50
Mid-State Units	Park Rentals	480.00
Miller & Associates	WWTP UV Disinfection Facility	25,480.00
Monter, Emilee	Red Cross Lifeguard Instruction	90.00
Municipal Supply	Water Dept. Supplies	847.51
National Waterworks/Hughes Sup	Water Dept. Supplies	121.96
Nebraska Dept. of Economic Development	CDBG Loan Payments	8,209.17
Nebraska Dept. of HHS Laboratory	Water Analysis	3,047.00
Nebraska Office of Highway Safety	Police Dept. Supplies	26.00
Nebraska Public Power District	Power Purchase	805,704.28
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,578.64
Nebraska Waste Handlers	Sludge Removal	6,307.20
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,499.91
NE RWA	Membership Dues	250.00
O'Meara, Taryn	Red Cross Lifeguard Instruction	90.00
Olsson Associates	Lex Historical Lighting-Phase III	2,339.31
Overton Sand & Gravel	Road Gravel	45.00
Paulsen, Inc.	Concrete / Sand	301.02
Peak Interest	Food	29.98
Perez, Salvador	Utility Refund	11.00
Phillips, Mildred	Utility Refund	7.58
Platte Valley Communications	Maintenance / Repairs / Radio	1,079.93
Plum Creek Auto Spa	Car Wash	11.00
Plum Creek Cleaners	Supplies	5.50

Plum Creek Market Place	Food	19.96
Plum Creek Motors	Vehicle Repair	342.99
Plum Creek Promotions	Soccer Shirts	2,263.05
Precision Industries	WWTP Supplies	105.77
Quill Corporation	Supplies	143.94
Rodale Inc.	Book	36.94
S & W Auto Parts, Inc.	Central Garage Supplies	781.86
Schultz, Edna	Travel Expense	68.53
Service Master Mid Nebraska	Carpet Cleaning	65.00
Spirituality Health	Subscription	24.95
Super 8 Motel	Lodging / Police Dept.	225.00
T. L. Sund Constructors, Inc.	Skate Board Slab	14,404.00
T. O. Haas Tire Co., Inc.	Tires / Repair	216.80
Tasc	Flex Plan	179.40
Team Detail & Quicklube	Car Wash	40.00
Teen Vogue	Subscription	10.00
Telegraph	Subscription	132.50
TierOne-Lib. Petty Cash	Petty Cash/Postage	73.19
Total Lawn Care	Lawn Care	2,445.00
Tri-City Tribune	Publications	140.00
Tri-County Hospital	Wellness / Supplies	867.40
TSM Cleaning / Sophie Sarratt	Cleaning Service	832.00
U-Save Business Equipment	Office Supplies	561.65
Underground Construction, Inc.	Bore & Install Conduit	8,342.25
Usborne Books	Books	183.93
Utility Equipment	Water Dept. Supplies	51.81
Van Diest Supply Company	Insecticide	1,657.50
Veetronix, Inc.	Supplies	27.00
Virula, Pedro	Boots	50.83
Wal-Mart	Supplies	667.14
Walker, Heidi	Red Cross Lifeguard Instruction	90.00
Ward Laboratories	Water Tests	48.00
Weight Watchers Magazine	Subscription	14.95
Wesco Distribution, Inc.	Electric Dept. Supplies	4,053.57
Willard Weinhold Law Office	Fees	1,605.00
Alltel	Cellphone Service	52.19
Beringer, Ciaccio, Dennell, Mabrey	Architect / GGC	5,482.42
Card Center/Orscheln	Supplies	82.56
Cash-Wa Distributing	Food & Supplies	557.99
Central Community College	Tuition / Bill Brecks	396.00
Certified Laboratories	Central Garage Supplies	308.83
Consolidated Plastics Co. Inc.	Janitorial Supplies	311.56
D & R Computing	Service	100.58
Dawson County Handibus	Transportation	44.00
Dawson County Public Power	Power Purchase	6,831.43
Davis Energy, Inc.	Fuel	4,607.23
Delta Dental of Nebraska	Premium	1,076.00
Electric Fixture	Supplies	333.17
EMS Billing Services, Inc.	Ambulance Fees	1,204.72
Fagot Refrigeration & Electric	Service	38.50
Fastenal	Supplies	63.46
General Traffic Controls, Inc.	Electric Dept. Supplies	219.12
Gengenbach, Kevin	Rental	275.00
Great Plains One-Call Service	Locates	81.92
Health Claims Fund	Claims	1,758.94
Hipp Wholesale Foods, Inc.	Food & Supplies	207.49
Holmes Plbg. & Htg. Supply Co.	Supplies	71.16

I.A.E.I.	Membership Dues	90.00
I.A.E.I., Nebraska Chapter	Registration Fee	125.00
Ingram Library Services	Books	20.67
K & K Parts Co., Inc.	Electric Dept. Supplies	155.56
Kemps-Gillette	Beverages	63.70
Lexington Newspapers	Publications	304.34
Lexington Public Schools	Refund Tobacco-Liquor License Fees	5,930.00
Lexington Recreation Program	Youth Girls Volleyball Instruction	500.00
Lexington True Value	Supplies	37.46
Lien Lawn Service	Lawn Care	940.00
Mac's Short Stop	Food	11.96
Medicaid	Ambulance Refund	146.88
Mid-Nebraska Printing	Office Supplies	491.91
Mid-State Units	Park Rentals	480.00
National Institute of Bus Mgmt	Subscription	155.00
National Waterworks/Hughes Sup	Meters	1,341.55
Naumann, Sondra	Cleaning Service	96.00
Nebraska Department of Revenue	Sales & Use Tax	43,043.32
Randy Hood Salvage	Special Waste Expense	100.00
Random House Direct	Book	26.90
St. Paul Travelers	Premium / Fire Dept.	3,890.00
TierOne-City Petty Cash	Petty Cash / Misc. Expense	73.18
T. L. Sund Constructors, Inc.	Skate Park Fencing	336.37
Ultramax	Ammunition	1,264.00
Wal-Mart	Supplies	339.11
Wesco Distribution, Inc.	Electric Supplies	780.03
SUBTOTAL CLAIMS:		2,192,182.39
Eriksen Construction Co., Inc.	WWTP / UV Disinfection Fac	118,033.20
	GRAND TOTAL:	2,310,215.59

PUBLIC COMMENT:

Audrey Allbright voiced concerns regarding the weed nuisance process.

ORDINANCE:

An Ordinance entitled ‘AN ORDINANCE APPOINTING A DEP UTY CITY CLERK; TO PROVIDE FOR EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM’ was read before Council. Peplitsch requested that Pamela Berke be appointed to this position. 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 Miller to approve Ordinance No. 2217 on Final Reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

REZONE/SUBDIVISION HEARING:

Mayor Cook opened the public hearing. Steve Heldt, representing Thomas D. and Betty J. Stuckey, requested the Council to approve a subdivision and rezoning application for a tract of land owned by Mr. and Mrs. Stuckey, to be known as Stuckey Subdivision. Following discussion, the public hearing was closed.

RESOLUTION:

Resolution 06-20 was read before Council. Moved by Miller, seconded by Tomasek, to approve Resolution 06-20. Roll Call. Voting “aye” were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

**RESOLUTION NO. 06-20
STUCKEY SUBDIVISION**

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

The plat of STUCKEY SUBDIVISION, being a part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 10 North, Range 21 West of the 6th P.M., Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED September 12, 2006.
CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST: Joe Peplitsch, City Clerk

ORDINANCE:

An ordinance entitled "AN ORDINANCE TO REZONE LOT 1 BLOCK 1 OF STUCKEY SUBDIVISION FROM A-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCE IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Fagot, seconded by Miller to suspend rules regarding reading on three separate occasions. Roll Call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

Said ordinance was read by title. Moved by Miller, seconded by Tomasek, to approve ordinance No. 2218 on final reading. Roll Call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

INTERLOCAL AGREEMENT:

Peplitsch requested approval of an interlocal agreement for consolidated dispatch services with Dawson County and the City of Cozad. Following discussion, moved by Miller, seconded by Fagot to approve the interlocal agreement and direct the Mayor to sign. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**GRAND GENERATION
CENTER BID AWARD:**

Peplitsch presented council with bid tabulation for the Grand Generation Center project. Moved by Miller, seconded by Fagot to accept bids and award contract to Paulsen's Inc, in the amount of \$380,400, including base bid and alternates 1 through 5. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**OCCUPATION TAX
ORDINANCE:**

Council considered an ordinance setting an occupation tax for telecommunications companies conducting business in Lexington. Following discussion, an ordinance entitled "AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTION 10 -9 OF THE LEXINGTON CITY CODE TO ESTABLISH THE METHOD FOR CALCULATING THE OCCUPATION TAX FOR TELEPHONE AND TELECOMMUNICATIONS COMPANIES, AND CABLE

TELEVISION COMPANIES; AND CREATING AN ENFORCEMENT AND REPORTING SYSTEM FOR TELEPHONE COMPANY, TELECOMMUNICATIONS AND CABLE TELEVISION COMPANY OCCUPATION TAXES AND RATES; TO REPEAL SECTION 10 -12 OF THE LEXINGTON CITY CODE 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. Moved by Fagot, seconded by Tomasek, to approve ordinance on first reading. Roll call. Voting “aye” Bennett, Miller, Tomasek, Fagot. Voting “nay” was Cook. Motion carries.

BUDGET HEARING:

Mayor Cook opened the public hearing on the proposed Fiscal Year 2006 -2007 Budget. Peplitsch presented budget for discussion. Following discussion, the public hearing was closed.

RESTRICTED FUNDS:

Peplitsch requested council to consider increasing the base of restricted funds by an additional 1%. Following discussion, moved by Fagot, seconded by Tomasek to increase the base of restricted funds by an additional 1% for FY 2007. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot. Voting “nay” was Cook. Motion carries.

TAX REQUEST RESOLUTION:

Mayor Cook opened the public hearing to set the 2006 -2007 final tax request. Following discussion, the public hearing was closed. Resolution 06-21 was read before Council. Moved by Miller, seconded by Tomasek, to approve Resolution 06 -21. Roll Call. Voting “aye” were Fagot, Bennett, Tomasek, Miller. Voting “nay” was Cook. Motion carried.

RESOLUTION NO. 06-21

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2006-2007 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR.

WHEREAS, Nebraska Revised Statute 77 -1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Lexington by a majority vote, resolves that:

1. The 2006-2007 property tax request be set at \$627,129.63.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2006.

PASSED AND APPROVED this 12th day of September, 2006.

Signed: Ted Cook, Mayor

ATTEST: Joe Peplitsch, City Clerk

**APPROPRIATION
ORDINANCE:**

Council considered the annual appropriation bill for Fiscal Year 2006 - 2007. An ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2006 -2007. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Fagot, seconded by Tomasek to suspend the rules regarding reading on three separate occasions. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Voting "nay" was Cook. Motion carries.

Said ordinance was read by title. Moved by Fagot, seconded by Miller, to adopt ordinance No. 2219 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot. Voting "nay" was Cook. Motion carries.

PAY REQUEST

UV DISINFECTION FACILITY: Council considered pay request No. 5 for UV Disinfection Facility from Eriksen Construction Co., Inc. in the amount of \$11 8,033.20. Moved by Miller, seconded by Tomasek to approve pay request. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

RESOLUTION:

Council considered a resolution directing and authorizing execution of a deed conveying property to Eustis Body Shop, Inc. The resolution was read before the Council. Following discussion, moved by Tomasek, seconded by Bennett to approve Resolution 06-22. Roll Call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO. 06-22

WHEREAS, the City has by Ordinance No. 2215 approved the sale of the following described real estate owned by the City, to -wit:

Lot 4 of the Replat of the West One-half and the East One-half of Block 16, MacColl's Addition to the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council of the City of Lexington, Nebraska, that Ted Cook as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to EUSTIS BODY SHOP, Inc., the purchaser thereof.

PASSED AND APPROVED September 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, President of the Council

ATTEST: Joe Peplitsch, City Clerk

RESOLUTION:

Council considered a resolution directing and authorizing execution of deed conveying property to DaVark Enterprises. The resolution was read before the Council. Following discussion, moved by Miller, seconded by Tomasek to approve Resolution 06-23. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

RESOLUTION NO. 06-23

WHEREAS, the City has by Ordinance No. 2214 approved the sale of the following described real estate owned by the City, to -wit:

The North One-half of the East 150 Feet of the South One-half of Block 3, C.L. Ervin's Subdivision in the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council of the City of Lexington, Nebraska, that Ted Cook as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to DaVark Enterprises, the purchaser thereof.

PASSED AND APPROVED September 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, President of the Council

ATTEST: Joe Peplitsch, City Clerk

ADJOURNMENT:

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

Ted Cook
Mayor

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