

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 29, 2003 at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 12:30 p.m. Members of the Council present were Mayor John Fagot, Ted Cook Rick Klamm, John Salem, Steve Tomasek. City Officials present were City Manager Joe Pepplichtsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis.

**NOTICE:** Notice of the meeting was given in advance, thereof by posting in the following locations: City Municipal Building, Dawson County Courthouse, Plum Creek Bank, United Nebraska Bank, and Pinnacle Bank. 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 Fagot.

**WASTE WATER  
TREATMENT PLANT:** Reed Miller, representing Miller and Associates, requested Council to approve bid for the purchase of high rate anaerobic process equipment for the City of Lexington Wastewater Treatment Plant. Councilman Cook expressed concerns regarding the need of this equipment, should Cornhusker Energy not be able to build their facility. Following discussion, moved by Salem, seconded by Klamm, to accept the bid for the purchase of high rate anaerobic process equipment for the City of Lexington Wastewater Treatment Plant, to Biothane Corporation, from Camden, New Jersey, in the amount of \$1,355,650, which will include a third reactor, contingent on a Third-Party Confirmation of the identity of the party that intends to finance Cornhusker Energy, Third-Party Confirmation that that Entity has the financial ability to furnish the funds to Cornhusker Energy, and that that Entity has a contractual relationship with Cornhusker Energy to provide those funds. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

**EXECUTIVE SESSION:** Moved by Salem, seconded by Tomasek, to enter into Executive Session at 12:45 p.m., for the purpose of discussing purchase of land. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

Moved by Cook, seconded by Klamm, to reconvene Regular Session from Executive Session at 1:17 p.m. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

**ADJOURNMENT:** There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
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.

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Lexington Deputy City Clerk