

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 11, 2005 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, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Head present was 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.

MINUTES – REGULAR MEETING – 09-27-05: Minutes of the Regular Meeting scheduled for Tuesday, September 27, 2005 was presented for Council’s consideration and approval. Moved by Bennett, seconded by Tomasek, to approve the Minutes of the Regular Meeting held September 27, 2005 as presented. Roll call. Voting “aye” were Fagot, Miller, Tomasek, Bennett, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,237,500.30 was 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 \$339,130.37 from the General Fund, \$22,851.76 from TIF, \$4,166.67 from Ed Reuse, \$806,980.47 from LEXUS, \$10,000.00 from Sanitation, \$548.00 from Landfill, \$334.40 from Ambulance Fund, \$43,283.58 from Health Fund, \$10,205.05 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
October 11, 2005

All Points Cooperative	Fuel	13.75
Alltel	Cellphone Service	93.00
Auto Glass Center	Repairs	177.13
Automotive Sales & Svc Co., Inc.	Central Garage Supplies	44.15
Bennett, Joni	Mileage	110.58
Beringer Ciaccio Dennell Mabrey	Architect/Library	2,698.01
Berntson Oil	Fuel	4,894.39
Card Center/Orscheln	Misc. Supplies	78.17
Case Credit Advantage	Repair Tractor Mower	2,990.77
Cash-Wa Distributing	Food & Supplies	544.50

Central Garage Fund	Supplies/Repairs/Gas & Diesel Reports	10,720.87
Corporate Benefit Svcs of America	Premiums	18,460.74
Culligan Water Conditioning Co.	Soft Water Supplies	188.20
Dan's Sanitation	Sanitation Fees	11,117.76
Dawson Area Development	Membership Fee	10,000.00
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson Pest Control	Building Maintenance	54.00
Demco	Library Supplies	1,751.80
Department of Motor Vehicles	License Plate/Police Dept.	6.50
Depository Trust Co.	2004 GO Bond Payment	81,057.50
Diamond Vogel Paint	Paint/Park Dept.	98.42
Downey Drilling Inc.	Well Repair/Supplies	2,373.73
Eakes Office Products	Office Supplies	143.31
Eilers Machine & Welding	Electric Supplies	511.16
Electric Fixture	Electric Supplies	397.63
Farmer Brothers Coffee	Food	178.50
Fastenal	Supplies	73.50
First Source	Office Supplies	804.37
Five Star Flooring	Cleaning Supplies	39.00
Flowers of Joy	Supplies	43.50
Follett Software Co.	Library Supplies	165.91
FYR-TEK	Fire Dept. Supplies/Svc	715.02
Gale Group, The	Books	13.27
Gaylord Bros, Inc.	Library Supplies	389.58
Great Plains One-Call Service	Locates	88.66
Harker's	Food	727.94
Health Claims Fund/CBSA	Claims	33,892.88
Highsmith Inc.	Library Supplies	45.40
Hipp Wholesale Foods, Inc.	Food & Supplies	806.73
Hometown Leasing	Copier Leases	697.04
Husker Ag Sales	Supplies	34.60
Ingram Library Services	Books	110.82
Jones Plumbing & Heating	Supplies/Service	1,082.18
K.R.V.N. Radio	Advertisements	148.80
Kemps-Gillette	Beverages	264.13
Kriz-Davis Company	Electric Supplies	1,379.50
Lexington Animal Clinic	Animal Care	1,343.52
Lex Area Solid Waste Agency	Landfill	1,359.00
Lexington Boy Scout Troop #88	Recycling	37.65
Lexington Boy Scout Troop #144	Recycling	37.65
Lexington Girl Scouts	Recycling	75.30
Lexington Health Fund	Self-Funding	33,846.73
Lexington Newspapers, Inc.	Publications	284.40
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	2.49
Lexington, City of	Franchise/Service Fees	37,813.55
Payroll	Wages	91,909.12
Social Security	Employer Port/FICA Med	6,914.05
First National Bank	Employer Port/Pension	3,057.30
First National Bank	Police Pension	1,243.08
ICMA	City Manager Pension	238.80
Lien Lawn Service	Lawn Care	935.00
Lundeen-Isaacson Inc.	Insurance/Fire Dept.	8,555.00
Marlin Leasing Corp.	Mailing Machine	570.16
Martin Electric	Repair	35.40

Mid-State Units	Rental	900.00
Midlands Contracting Inc.	Dewatering System/Ethanol Plant	3,216.00
Miller & Associates	Retainer/North West Improvements	13,252.46
Mr. Automotive	Central Garage Supplies	8.82
Municipal Supply	Water Dept. Supplies	155.67
National Waterworks	Water Dept. Supplies	102.54
Nebraska Dept. of Economic Dev	Mid Plains CDBG Loan	4,166.67
Nebraska Office of Highway Safety	Police Dept. Supplies	26.00
Nebraska Public Power District	Power Purchase	633,887.09
Nebraska Waste Handlers	Sludge Removal	4,173.05
Nelson, Margie	Cleaning Service	500.00
Olsson & Associates	15mVA Substn. Add/ Elec Svc to Ethanol Plant	331.52
Omaha Slings Inc.	Electric Supplies	1,166.28
Overton Sand & Gravel	Gravel	925.26
Paulsen Inc.	Concrete	116.86
Platte Valley Auto Mart	New Vehicle/Police Dept.	9,950.00
Platte Valley Communications	Radio/Repair/Maintenance	1,828.25
Plum Creek Cleaners	Cleaning Service	27.50
Plum Creek Motors	Central Garage Supplies	11.44
Plum Creek Promotions	Hats	146.52
Quill Corporation	Office Supplies	32.17
Qwest	Library Phone Expense	61.64
Recorded Books	Books	71.80
S & W Auto Parts	Central Gar/Misc Supplies	506.82
Sav-A-Lot Discount Foods	Food	18.44
Schultze, Kim	Mileage	109.61
Subway of Lexington	Food	64.37
Sunland Books, Inc.	Books	1,009.17
Sunshine Filters of Pinellas, Inc.	WWTP Supplies	136.38
Superior Signals Inc.	Central Garage Supplies	90.00
T. O. Haas Tire Co. Inc.	Tire Repair	23.00
Team Detail & Quicklube	Car Care	40.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	7.15
Total Lawn Care	Lawn Care	1,695.00
Tri-City Tribune	Advertisement	80.00
Tri-County Hospital	Wellness/Service	356.00
U-Save Business Equipment	Office Supplies/Service	537.91
Utility Equipment	Water Dept. Supplies	4,581.87
Viejo, El	Utility Refund	209.73
Wal-Mart	Misc. Supplies	145.13
Wesco Distribution, Inc.	Electric Supplies	410.88
Willard Weinhold Law Office	Fees/Conference	3,013.46
Aldana, Javier	Utility Refund	33.98
B & D Office City	Office Supplies	894.47
Barmore Drug Store, Inc.	Office Supplies	5.99
Bob's Auto Repair & Service	Vehicle Repair	295.58
Card Center/Orscheln	Misc. Supplies	14.96
Dawson County Public Power	Utility Expense	318.58
Downey Drilling Inc.	Well Repair/WWTP	1,376.56
Eakes Office Products	Library Furnishings	65,491.03
Electric Fixture	Supplies/Repairs	66.87
Fastenal	WWTP Supplies	9.63
Galls Inc.	Police Dept./Ofc Supplies	430.00

Gengenbach, Kevin	Rental	220.00
Gonzalez, Clemente	Electric Rebate	1,025.00
Health Claims Fund	Claims	9,390.70
Holbein, Dale	Travel Expense	91.22
Ingram Library Services	Books	44.91
Jolliffe, Lloyd	Electric Rebate	1,025.00
Josafya, Celis	Electric Rebate	300.00
Keim, Robert	Electric Rebate	1,025.00
Kneifl, Linda	Electric Rebate	1,025.00
Lexington True Value	Fire Dept. Supplies	22.39
Linweld	Ambulance Supplies	56.18
Marroquim, Maria	Electric Rebate	125.00
Mead/Big Valley Lumber	Street Supplies	7.99
Naumann, Sondra	Cleaning Service	54.00
Nebraska Department of Labor	Unemployment	994.00
Nebraska Department of Revenue	Sales & Use Tax	39,835.07
Nelson, Carol	Electric Rebate	900.00
Nelson, Thomas R.	Conference & Seminars	60.00
Nebraska Library Association	Library Supplies	12.00
Nebraska Tech & Telecomm, Inc.	Phone Expense	1,446.53
OCLC, Inc.	Library Supplies	445.00
Paulsen Inc.	Concrete	180.00
People Weekly	Subscription	113.88
Platinum Plus For Business	Misc. Supplies	295.39
Platte Valley Communications	Outdoor Weather Siren	10,290.00
Precision PC	Library/Repairs	335.00
Quill Corporation	Printer/Office Supplies	699.98
Ramada Inn/Kearney	Conference/Holbein	62.00
Random House, Inc.	Book	113.30
Security First Bank	Wilkinson Dev.-TIF Pmt	22,851.76
Statler Cleaning Service	Cleaning Svc/Strip & Wax Floors	1,135.00
TierOne-City Petty Cash	Petty Cash/Misc. Expense	30.35
TierOne-Lib. Petty Cash	Postage	42.65
U-Save Business Equipment	Office Supplies	425.00
Wal-Mart	Misc. Supplies	25.84
Waterlink, Inc.	WWTP Supplies	132.81
Wesco Distribution, Inc.	Electric Supplies	220.21
Willard Weinhold Law Office	Adjustment	-27.65
	TOTAL:	1,237,500.30

**PUBLIC COMMENT
PERIOD:**

Mrs. Audrey Albright addressed the City Council regarding fence issues on the south side of her property, which is located at 1406 N. Washington. Visual obstruction and weeds were a source of concern for Mrs. Albright. Following her comments, Mrs. Albright was informed that this issue would be addressed.

HAVEN HOUSE:

Mr. Mike Sumpter, consultant for the Haven House, requested funding assistance for the Haven House Program. Following discussion, moved by Miller, seconded by Fagot, to express their support for the program, and direct Administration to look into funding options and bring back for Council consideration at the next regular meeting. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

RESOLUTION:

Mr. Bill Stewart, representing Dawson County Civil Defense, requested approval of a Resolution approving the submittal of a grant application on behalf of the 1st Responders in Dawson County. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No. 05-27 approving the submittal of a grant application on behalf of the 1st Responders in Dawson County. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot.

RESOLUTION NO. 05-27

WHEREAS, cooperative relationships between the City of Lexington and other governmental agencies within Dawson County, as well as in the region, for the provision and operation of emergency management communications systems is beneficial to all citizens affected.

THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that in order to provide for a coordinated grant application on behalf of the 1st Responders in Dawson County, the City of Lexington has reviewed the grant process for the use of homeland security funding and has approved the Dawson County submittal of application to the State of Nebraska for 2005 Grant funding.

Passed and approved this 11th day of October, 2005.

CITY OF LEXINGTON, NEBRASKA

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

RESOLUTION:

Pepplichtsch requested Council’s approval of a borrowing Resolution authorizing financing for the Northwest Paving Improvement Project. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 05-28 authorizing financing for Northwest Paving Improvement Project. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-28

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, the City of Lexington, Nebraska has entered into contracts for construction of the Northwest Street Improvement Project; and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of project costs in accordance with the associated redevelopment contract for subh project; and

WHEREAS, the City is authorized by law to borrow money to pay the cost of capital improvement projects.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City of Lexington, Nebraska is hereby authorized to contract for financing with Plum Creek Bank, a branch of Cozad State Bank & Trust Co., of Lexington, Nebraska. The loan amount shall not exceed \$550,000.00, for a term of 15 years at an interest rate of 3.98%.
2. That Joe Peplitsch, City Manager is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute necessary bank documents.

Passed and approved this 11th day of October, 2005.

City of Lexington, Nebraska

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 13 for the Lexington Public Library Project. Following discussion, moved by Miller, seconded by Tomasek, to approve Pay Request No. 13 for the Lexington Public Library Project, from Lacy Construction Company, in the amount of \$126,917.69. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

PAY REQUEST:

Dana Daniels, representing Miller & Association, requested Council's approval of Pay Request No. 2 (Final) for the South Jefferson Street Improvement Project. Following discussion, moved by Tomasek, seconded by Bennett, to approve Pay Request No. 2 (Final) for the South Jefferson Street Improvement Project, from Paulsen, Inc., in the amount of \$21,287.34. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Fagot. Motion carried.

CERTIFICATE OF SUBSTANTIAL COMPLETION:

Dana Daniels requested Council's approval of the Certificate of Substantial Completion on the South Jefferson Street Improvement Project. Following discussion, moved by Tomasek, seconded by Miller, to approve the Certificate of Substantial Completion on the South Jefferson Street Improvement Project. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

PAY REQUEST:

Dana Daniels requested Council's approval of Pay Request No. 1 for the Northwest Paving Improvement Project. Following discussion, moved by Bennett, seconded by Tomasek, to approve pay Request No. 1 for the Northwest Paving Improvement Project, from Blessing Construction, in the amount of \$134,110.04. Roll call. Voting "aye" were Miller, Fagot, Tomasek, Bennett, Cook. Motion carried.

CHANGE ORDER:

Peplitsch requested Council's approval of Change Order No. 3 for the Municipal Wastewater Pretreatment Facility Project. Following discussion, moved by Miller, seconded by Fagot, to approve Change Order No. 3 for the Municipal Wastewater Pretreatment Facility

Project. Roll call. Voting "aye" were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 11 for the Municipal Wastewater Pretreatment Facility Project, with the exception of withholding \$15,000 until final determination of contract price. Following discussion, moved by Cook, seconded by Tomasek, to approve Pay Request No. 11 for the Municipal Wastewater Pretreatment Facility Project, from Wanzek Construction, Inc., in the amount of \$156,570.44. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

EXECUTIVE SESSION:

Moved by Miller, seconded by Fagot, to enter into Executive Session at 8:03 p.m. for the purpose of discussing purchase of land. Roll call. Voting "aye" were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

Moved by Tomasek, seconded by Bennett, to reconvene Regular Session from Executive Session at 8:22 p.m. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

ROUNDTABLE DISCUSSION:

Discussion was held regarding a Special Meeting to discuss the City Health Plan. Council recommended holding the Special Meeting at 6:30 p.m. on Tuesday, October 25, 2005.

A Public Hearing will be held on November 8, 2005 for the purpose of considering the Lexington Comprehensive Plan 2030.

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