

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 8, 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 Heads present were Charles Clark 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.

MINUTES – SPECIAL MEETING – 10-25-05: Minutes of the Special Meeting scheduled for Tuesday, October 25, 2005 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Special Meeting held October 25, 2005 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

MINUTES – REGULAR MEETING – 10-25-05: Minutes of the Regular Meeting scheduled for Tuesday, October 25, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Fagot, to approve the Minutes of the Regular Meeting held October 25, 2005 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,337,140.00 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$687,932.87 from the General Fund, \$55.51 from Housing Reuse, \$591,171.40 from LEXUS, \$10,000.00 from Sanitation, \$4,937.75 from Landfill, \$2,510.83 from Ambulance Fund, \$27,649.23 from Health Fund, \$12,882.41 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 8, 2005

Alamar Uniform Co.	Uniform Expense	71.44
All Points Cooperative	Fuel / Weed Killer	1,284.19
Alltel	Cellphone Service	144.11
Arte Publico Press	Books	42.09
Atlas Awning	Children's Area Awning/Library	4,634.28

Automotive Sales & Service	Central Garage Supplies	116.45
B & D Office City	Office Supplies	209.94
Barco Municipal Products	Vehicle Supplies	377.16
Barmore Drug Store Inc.	Office Supplies	130.54
Berntson Oil	Fuel	129.00
Bob's Auto Repair & Service	Vehicle Repair	273.52
Bottom Line Books	Book	39.91
Box Bar, The	Food	52.75
Card Center/Orscheln	Supplies	373.99
Cash-Wa Distributing	Food & Supplies	2,502.20
Central Fire & Safety, Inc.	Fire Extinguisher Inspection	1,185.63
Central Garage Fund	Maint. / Repairs / Fuel	11,005.09
Central Tire & Tread	Tire Repair	24.00
Centurion Technologies, Inc.	Maintenance Fee	2.40
Community Service Center, Inc.	Bridge Funding	20,000.00
Corporate Benefit Svcs of America	Premium	18,459.24
Culligan Water Conditioning, Co.	Soft Water Supplies	179.20
D & R Computing	Office Supplies	49.99
Dan's Sanitation	Sanitation Fees	10,974.22
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson Pest Control	Building Maintenance	27.00
Depository Trust Co.	2002 GO Bond Payment	138,532.50
Dutton-Lainson Company	Meter	1,538.23
Electric Fixture	Electric Supplies / PVC Conduit	4,373.36
Fagot Refrigeration & Electric	WWTP / Maintenance	42.50
Farmer Brothers Coffee	Food	205.26
Fastenal	WWTP Supplies	8.04
Fransyl Equipment Co.	Vehicle Service / Repair	4,104.94
Gale Group, The	Books	410.22
Galls Inc.	Supplies	18.84
Gempler's, Inc.	Uniform Expense	559.00
Grainger	Sump Pump	1,258.00
Harker's	Food	659.76
Health Claims Fund	Claims	5,214.84
Hipp Wholesale Foods, Inc.	Food & Supplies	1,776.74
Hometown Leasing	Copier Lease	697.04
Hunt Cleaners, Inc.	Supplies	310.33
Husker Ag Sales	Equipment Supplies	100.40
Ingram Library Services	Books	127.59
Jack's Uniform And Equipment	Police Dept. Supplies	429.00
Jones Plumbing & Heating	Maintenance / Supplies	373.98
K & K Parts Co., Inc.	Supplies	99.06
Kemps-Gillette	Beverages	420.21
Lexington Animal Clinic	Animal Care	777.80
Lexington Area Solid Waste	Landfill	1,543.32
Lexington Health Fund	Self-funding	33,846.76
Lexington Newspapers, Inc.	Publications	1,026.55
Lexington Postmaster	Postage	150.00
Lexington Volunteer Fire Dept.	Conference / Seminars	1,010.00
Lexington, City of	Franchise / Service Fees	37,760.50
Payroll	Wages	87,397.93
Social Security	Employer Portion / FICA Med	6,568.88
First National Bank	Employer Portion / Pension	2,985.30
First National Bank	Police Pension	1,246.19
ICMA	City Manager Pension	238.80
Lien Lawn Service	Lawn Care	376.00

Lundeen-Isaacson Inc.	Insurance / Fire Dept.	2,281.50
Maines Electric	LSH-MC Cable	1,629.89
Marlin Leasing Corp.	Mail Machine Payment	570.16
Martin's Flag Company	Street Dept. Supplies	232.18
Mead/Big Valley Lumber	Supplies	2.45
Michael Todd & Co., Inc.	Street / Water Dept. Supplies	382.68
Mid-Nebraska Printing	Office Supplies	247.50
Miller & Associates	Pro. Svc/So. Jefferson St. Paving	1,657.60
Mobile Concepts By Scotty, Inc.	Safety Trailer / Fire Dept.	50,226.00
Municipal Supply	Water / Elect. Dept. Supplies	2,026.58
Nebraska Life	Subscription	19.00
Nebraska Public Power District	Power Purchase	412,619.63
Nebraska Public Power District	Thermovision	342.40
Nebraska Safety Council	Safety Video	5.35
Nebraska Waste Handlers	Sludge Removal	5,413.68
Nelson, Margie L.	Cleaning Service	500.00
Nelson, Thomas R.	Conference / Seminars	69.84
Nebraska Recreation & Park Assoc	Membership Fee	50.00
NE Planning & Zoning Association	Fall Training Session	60.00
Overton Sand & Gravel	Gravel	39.56
Pinnacle Bank	WWTP Land Payment	16,714.42
Platinum Plus For Business	Supplies	240.61
Platte Valley Communications	Maintenance / Repairs	129.35
Plum Creek Cleaners	Cleaning Service	6.00
Plum Creek Motors	Vehicle Maintenance / Repairs	495.81
Plum Creek Promotions	T-Shirts	1,207.28
QA Balance Services	WWTP Supplies	95.00
Random House, Inc.	Books	229.50
Recorded Books	Books	151.40
Run-N-Iron	Police Dept. Supplies	1,920.00
S & W Auto Parts, Inc.	Central Garage Supplies	287.40
Sav A Lot Discount Foods	Food	357.63
Smeal Fire Apparatus Co.	Fire Truck	224,908.00
T. L. Sund Constructors, Inc.	Water Dept. / Boring	480.00
T. O. Haas Tire Co. Inc.	Vehicle / Tire Repair	453.23
Team Detail & Quicklube	Car Wash	20.00
TierOne-Lib. Petty Cash	Petty Cash/Postage	13.75
Total Lawn Care	Lawn Care	1,929.00
Tri-City Tribune	Publication / Subscription	263.50
Tri-County Hospital	Wellness / Service	275.00
U-Save Business Equipment	Office Supplies	412.39
Underground Construction, Inc.	Street Maintenance	1,250.00
Utility Equipment	Water Dept. Supplies	117.12
Wal-Mart	Misc. Supplies	314.18
Ward Laboratories	Water Test	24.00
Weathercraft Company	Building Repair	674.78
Wesco Distribution, Inc.	Electric Supplies	930.90
Willard Weinhold Law Office	Fees	1,599.00
Zep Manufacturing Co.	Office Supplies	48.54
Accu Cut Systems	Office Supplies	16.00
Arnold Pool Company	Pool / WWTP Supplies	530.05
B & D Office City	Office Supplies	116.22
Berntson Oil	Fuel	87.62
Beringer Ciaccio Dennell Mabrey	Architect/Library	953.73
Blue Cross Blue Shield	Ambulance Fee Refund	358.44
Boilesen, Naomi	Electric Rebate	900.00

Card Center/Orscheln	Supplies	26.98
Cash-Wa Distributing	Food & Supplies	470.45
Central Garage Fund	Maint. / Repairs	1,388.26
Certified Laboratories	Central Garage Supplies	655.42
Central Tire & Tread	Tires & Repair	322.75
Copper, Alfred	Electric Rebate	1,025.00
Dan's Sanitation	Sanitation Fees	1,633.00
Dawson County Weed Control	Spray Weeds	434.90
Dell Marketing L. P.	Computers / Library	11,157.30
Downey Drilling, Inc.	Wells & Repair / Landfill	4,502.85
Dutton-Lainson Company	Water Dept. Supplies	834.60
EMS Billing Services, Inc.	Ambulance Fees	1,948.41
FSH Communications LLC	Library Phone Expense	55.00
Feddersen, Ray	Electric Rebate	1,025.00
Great Plains One-Call Service	Locates	67.83
H & H Auto Salvage	Police Dept. Supplies	55.00
Health Claims Fund	Claims	22,329.39
Hipp Wholesale Foods, Inc.	Supplies	52.75
Husker Ag Sales	Central Garage Supplies	4.23
Ingram Library Services	Books	39.73
J H Lawn Service	Fertilizer Application / Lawn Care	536.00
Kemps-Gillette	Beverages	63.43
Lexington, City of	Franchise/Service Fee	40.06
Lexington Newspapers, Inc.	Publications	470.92
Linden's Plumbing	Repair / Library	32.10
Lopez, Ruperto	Electric Rebate	1,025.00
Martin Electric	Repair / WWTP	358.58
Mick's Platte Valley Glass	Central Garage Supplies	94.94
Mid-Nebraska Printing	Office Supplies	88.50
Mid-States Units	Rental	630.00
Naumann, Sondra	Cleaning Service	48.00
Nebraska Machinery	Water Dept. Repairs	383.93
Nebraska Department of Revenue	Sales & Use Tax	34,947.32
Nebraska Department of Roads	Prospect Road Signalization	50,355.63
Nebraska Tech & Telecomm, Inc.	Phone Expense	1,443.02
Officenet	Library / Shelving Units	41,305.00
Paulsen, Inc.	WWTP Supplies	250.00
Platte Valley Communications	Test Sirens	485.35
Quill Corporation	Office Supplies	47.91
S & W Auto Parts, Inc.	Central Garage Supplies	35.07
Sports Illustrated	Subscription	89.04
Sund, Tim	Electric Rebate	300.00
T. O. Haas Tire Co., Inc.	Tires & Repairs	164.49
TierOne-City Petty Cash	Petty Cash/Misc. Expense	60.07
TierOne-Lib. Petty Cash	Postage	6.75
Tri-County Hospital	Wellness	231.00
Underwood, James	Carpet Cleaning / GGC	250.00
Vazquez, Angel	Electric Rebate	1,025.00
Veterans Club	Volunteer Recognition	1,100.00
Wal-Mart	Misc. Supplies	28.90
Ward Laboratories	Watering Testing	24.00
Yeutter, Ed	Electric Rebate	1,025.00
	TOTAL:	1,337,140.00

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 attractive nuisance were a source of concern for Mrs. Albright.

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Mr. Byron Fallesen, attorney representing River's Bar, requested Council's recommendation of a Class "I" Liquor License, for River's Bar, located at 113 East 6th Street. Lexington Police Chief Clark reported to Council areas on the Application Form that was false. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller, to make no local recommendation of a Class "I" Liquor License Application, for River's Bar, located at 113 East 6th Street, Lexington, Nebraska, due to falsifying information on the Liquor License Application Form. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Due to a representative not being present, moved by Fagot, seconded by Miller, to adjourn until next meeting without readvertising, for consideration of a Class "D" Liquor License, for Avalos, Inc., dba El Maguey, located at 301 Cattleman's Drive, Lexington, Nebraska. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

QUIET ACRES SUBDIVISION:

Mr. Joe Masten requested Council's consideration of a Subdivision Agreement and Resolution approving plat for Quiet Acres Subdivision, located at 210 West River Road, Lexington, Nebraska. Following discussion, moved by Fagot, seconded by Tomasek, to approve Subdivision Agreement for Quiet Acres Subdivision, located at 210 West River Road, Lexington, Nebraska. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

Following reading of said Resolution, moved by Miller, seconded by Fagot, to approve Resolution No. 05-30 approving plat for Quiet Acres Subdivision, located at 210 West River Road, Lexington, Nebraska. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**RESOLUTION NO. 05-30
QUIET ACRES SUBDIVISION**

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

The plat of QUIET ACRES SUBDIVISION, being a part of Government Lot 4, and the accretion thereto, in Section 18, Township 9 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 November 8, 2005.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Lonnie Dickson, representing Hanna/Keelan, and Sarah Tracy, representing HWS made their presentations of the final draft of the Lexington Comprehensive Development Plan, and the Long-Range Transportation Plan, respectively. Following their presentations, Mayor Cook closed the Public Hearing.

RESOLUTION:

Following discussion, said Resolution adopting the Lexington Comprehensive Development and Long-Range Transportation Plan 2030 was read before Council. Moved by Fagot, seconded by Tomasek, to adopt Resolution No. 05-31 adopting the Lexington Comprehensive Development and Long-Range Transportation Plan 2030. Roll call. Voting “aye” were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-31

WHEREAS, the Lexington Planning Commission has, after public hearing, adopted and recommended an update to the comprehensive plan entitled Comprehensive Plan 2030; and

WHEREAS, after notice being published and public hearing before the Council, the Council determines that said Plan should be adopted.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LEXINGTON, NEBRASKA, that the document prepared under the direction of the Lexington Planning Commission and entitled Comprehensive Plan 2030, should be and hereby is adopted as the comprehensive plan for the City of Lexington, Nebraska.

Passed and approved this 8th day of November, 2005.

CITY OF LEXINGTON, NEBRASKA

By: Ted Cook, President of the Council

ATTEST:

Shirley Lewis, Deputy City Clerk

RESOLUTION:

Pepplitsch requested Council’s approval of a Borrowing Resolution authorizing financing of a 2005 Fire Pumper. Following reading of said Resolution, moved by Fagot, seconded by Tomasek, to approve Borrowing Resolution No. 05-32 authorizing the financing of a 2005 Fire Pumper. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-32

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR A 2005 FIRE PUMPER.

WHEREAS, the City of Lexington, Nebraska has entered into contracts for construction of a 2005 Smeal Fire Pumper; and

WHEREAS, it is necessary and advisable for the City to borrow funds for the payment of the fire pumper; and

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

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, Lexington, Nebraska, a branch of Cozad State Bank & Trust Company. The loan amount shall not exceed \$224,908.00, for a term of 5 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 all necessary bank documents.

Passed and approved this 8th of November, 2005.

City of Lexington, Nebraska

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

REPORT:

Rick Klamm, Chairman of the Community Development Advisory Board, presented a report from the CDAB on the proposed Property Maintenance Code. Following Mr. Klamm's presentation, the following people spoke in favor of the Code: Jerry Brown, representing the CDAB; Neal Kohl representing Keep Lexington Beautiful; Roger Pentz representing Keep Lexington Beautiful; and Doug Lynn representing Keep Lexington Beautiful. Moved by Fagot, seconded by Miller, to accept the Report presented by the Community Development Advisory Board. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 1 for the 10th Street Improvement Project. Following discussion, moved by Miller, seconded by Fagot, to approve Pay Request No. 1 for the 10th Street Improvement Project, to T.L. Sund Constructors, Inc., in the amount of \$32,838.84. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

PAY REQUEST: Peplitsch requested Council's approval of Pay Request No. 14 for the Lexington Public Library Project. Following discussion, moved by Bennett, seconded by Tomasek, to approve Pay Request No. 14 for the Lexington Public Library Project, to Lacy Construction Company, in the amount of \$126,986.01. Roll call. Voting "aye" were Miller, Fagot, Tomasek, Bennett, Cook. Motion carried.

CHANGE ORDER: Peplitsch requested Council's approval of Change Order No. 2 for the Northwest Street Improvement Project. Following discussion, moved by Miller, seconded by Tomasek, to approve Change Order No. 2 for the Northwest Street Improvement Project, to Blessing, LLC, in the amount of \$998.30. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

PAY REQUEST: Peplitsch requested Council's approval of Pay Request No. 2 (Final) on the Northwest Paving Project. Following discussion, moved by Tomasek, seconded by Bennett, to approve Pay Request No. 2 (Final) on the Northwest Paving Improvement Project from Blessing Construction, in the amount of \$205,891.51. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

CERTIFICATE OF SUBSTANTIAL COMPLETION: Peplitsch requested Council's approval of the Certificate of Substantial Completion on the Northwest Street Improvement Project. Following discussion, moved by Tomasek, seconded by Fagot, to approve the Certificate of Substantial Completion on the Northwest Street Improvement Project from Blessing Construction. Roll call. Voting "aye" were Miller, Bennett, Fagot, Tomasek, Cook. Motion carried.

EXECUTIVE SESSION: Moved by Tomasek, seconded by Bennett, to enter into Executive Session at 8:40 p.m. for the purpose of discussing purchase of land. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Fagot, to reconvene Regular Session from Executive Session at 9:04 p.m. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek, Cook. Motion carried.

ROUNDTABLE DISCUSSION: Mayor Cook requested City Attorney Weinhold to review the legalities of the proposed Property Maintenance Code, and bring back to Council for consideration.

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