

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 22, 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 Vice-President Steve Tomasek, Joni Bennett, John Fagot, Linda Miller. Absent was Ted Cook. City Officials present were City Manager Joe Pepplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Head present was Charles Clark.

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 Vice-President Tomasek.

MINUTES – REGULAR MEETING – 11-8-05: Minutes of the Regular Meeting scheduled for Tuesday, November 8, 2005 was presented for Council’s consideration and approval. Moved by Bennett, seconded by Fagot, to approve the Minutes of the Regular Meeting held November 8, 2005 as presented. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$383,886.62 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 \$138,103.72 from the General Fund, \$173,921.37 from LEXUS, \$23,350.09 from Sanitation, \$297.95 from Ambulance Fund, \$19.99 from Library Memorial, \$39,812.23 from Health Fund, \$8,381.26 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Fagot, Tomasek. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 22, 2005

1st Interstate Inn c/o Rite-A-Way	Utility Refund	625.83
AFLAC	Premium	884.28
All Points Cooperative	Fuel / Car Wash	115.09
American Planning Association	Books	347.64
American Public Works Assoc.	Dues	243.00
American Water Works Assoc.	Dues	250.00
B & D Office City	Office Supplies	35.99
Barnes Distribution	Electric Supplies	312.49
Berntson Oil	Fuel	4,920.52
Brown, Harold	Tool Allotment	16.67
Brummet, Elberta	Mileage	60.14
Card Center/Orscheln	Supplies	139.98

Cash-Wa Distributing	Food & Supplies	641.13
Central Tire & Tread	Tire Repair	14.00
Charter Communications	Internet Service	123.20
Copier Connection	Copier	850.00
Dawson County Handibus	Transportation	70.00
Dawson County Public Power	Electricity	5,427.26
Demco	Office Supplies	156.77
Dutton-Lainson Company	Electric Dept./Svc Drops	7,045.32
Eakes Office Products	Office Supplies	5.76
EBSCO Subscription Service	Books	1,468.70
Electric Fixture	Elec Supplies/Terminators	1,460.87
Electronic Systems	Fire Alarm Inspection	25.00
Farmer Brothers Coffee	Food	190.74
Farmers National Co Trust Account	Land Purchase-WWTP	20,800.00
FC&A	Book	24.96
Fisher Scientific	Testing Supplies	855.62
Follett Software Company	Library Catalog Software	480.00
Gaylord Bros., Inc.	Office Supplies	35.48
GBC	Copier Supplies	85.07
Gengenbach, Kevin	Rental	110.00
Hach Company	Testing Supplies	296.90
Health Claims Fund	Claims	9,861.59
Hipp Wholesale Foods, Inc.	Food & Supplies	842.15
Hirst, Adrian E.	Book	13.50
Holbein, Dahlas D.	Maint. & Cleaning Service	850.00
Ingram Library Services	Books	661.60
Intellicom Comp. Consulting, Inc.	Library Phone Syst. Pmt	2,433.99
Keim, Bob	Freon Removal	210.00
Kemps-Gillette	Beverages	139.35
Kriz-Davis Company	Electric Supplies	309.44
Lex Area Chamber of Commerce	Dues / Luncheon	4,088.00
Lexington Glass Co.	WWTP Supplies	4.95
Lexington Newspapers, Inc.	Publications	201.45
Payroll	Wages	89,637.59
Social Security	Employer Port./FICA Med	6,740.25
First National Bank	Employer Portion/Pension	3,001.25
First National Bank	Police Pension	1,255.26
ICMA	City Manager Pension	238.80
Linweld	Medical Supplies	57.26
Martin's Flag Company	Library Supplies	110.62
McCookNet Internet Service	Service	53.00
Mead/Big Valley Lumber	Supplies	321.85
Miller & Associates	Pro. Svc/NPDES Stormwater Management Plan	3,600.00
Multicultural Press	Books	149.99
Nebraska Machinery	Street Equipment Repair	735.53
Neopost	Postage	1,500.00
Omaha World Herald	Subscription	182.00
Overton Community Center	MOW	100.00
Oxmoor House	Book	38.87
Peplitsch, Joe	Conference / Seminars	135.02
Platinum Plus For Business	Supplies	57.95
Plum Creek Motors	Vehicle Maintenance	90.00
Quill Corporation	Office Supplies	337.45
Ramada Inn / Kearney	Fire Dept./Conf/Seminars	930.00
Reiman Publications	Subscription	12.98

Rinker Materials	Water Dept. Supplies	446.08
Rodale Inc.	Book	38.44
S & W Auto Parts, Inc.	Supplies	74.35
Sav A Lot Discount Foods	Food	18.00
Schultze, Kim	Mileage	119.31
Sund, Travis	Building Permit Refund	293.00
Taqueria Mexico	Food	57.78
Taste of Home	Book	28.98
Thomas Bouregy & Company, Inc.	Books	138.00
TierOne-Lib. Petty Cash	Postage	14.40
U-Save Business Equipment	Office Supplies	66.09
Vermeer Equipment of Nebraska	Elect. Dept/Brush Chipper	32,900.00
Video Aided Instruction, Inc.	Books	916.13
Viking Office Products	Library Supplies	370.14
WPCI	Drug Test	54.20
Wal-Mart	Misc. Supplies	37.31
Ward Laboratories	Water Test	72.00
Wesco Distribution, Inc.	Electric Supplies	298.96
Alltel	Cellphone Service	192.61
B & D Office City	Office Supplies	9.73
Barco Municipal Products	WWTP Supplies	151.78
Beisner, Eric	Electric Rebate	1,025.00
Berntson Oil	Fuel	869.20
Business Ofc Systems of Nebraska	Postage Machine Service	6.96
Card Center/Orscheln	Supplies	122.67
Cash-Wa Distributing	Food & Supplies	939.27
Copper, Alfred	Travel Expense	162.63
Cook, Ted	Conference & Seminars	337.80
Dan's Sanitation	Sanitation Fees	23,350.09
Electric Fixture	Electric Supplies	584.22
Galls Inc.	Uniform Expense	19.84
Health Claims Fund	Claims	28,846.56
Kemps-Gillette	Beverages	71.30
Lexington Health Fund	Self-Funding	35,214.89
Lexington Newspapers, Inc.	Publications	287.80
Lexington Utilities System	Utilities	18,649.97
Lexington, City of	Franchise/Service Fee	46,688.83
Matt Parrott And Sons Co.	Office Supplies	1,012.54
Mead/Big Valley Lumber	WWTP Supplies	20.97
Miller & Associates	Retainer Service	800.00
Miracle Recreation Equipment Co.	Park Equipment	1,380.00
Mid-Nebraska Printing	Office Supplies	247.50
Municipal Supply	Water Dept. Supplies	59.33
Municipal Emergency Services	Fire Dept/Uniform Racks	8,223.33
Naumann, Sondra	Cleaning Service	54.00
Nebraska Truck & Equip Co., Inc.	Fire Dept. Supplies	31.12
Paulsen, Inc.	Concrete	81.10
Prasch, Stacy	Electric Rebate	1,025.00
Random House, Inc.	Books	153.00
S & W Auto Parts, Inc.	Street Dept. Supplies	29.31
TASC	Flex Plan	165.60
TierOne-City Petty Cash	Petty Cash/Misc. Expense	60.64
Wal-Mart	Misc. Supplies	48.76
	TOTAL:	383,886.62

PUBLIC COMMENT PERIOD:

Mr. Alfred Copper, expressed his concern regarding junk vehicles, trash in alleys and yards, and weeds in the residential areas of Lexington. Mr. Copper was thanked by Council for his concern regarding the appearance of the community.

PUBLIC HEARING:

Vice-President Tomasek opened the Public Hearing. Mr. Brian Davis, Attorney representing Roselia Avalos and Miguel Avalos, requested Council's recommendation to consider a Class "D" Liquor License, for Avalos, Inc., dba El Maguey. Following Mr. Davis' presentation, discussion was held regarding Mr. Avalos' criminal background. Vice-President Tomasek closed the Public Hearing. Moved by Fagot, seconded by Miller, to make no recommendation for a Class "D" Liquor License, for Avalos, Inc., dba El Maguey, located at 301 Cattlemen's Drive, Lexington, Nebraska, and include a letter requesting Management and Corporate Officers receive training through the Nebraska Liquor Control Commission. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

PUBLIC HEARING:

Vice-President Tomasek opened the Public Hearing. Peplitsch gave a brief summary regarding an Application for a Community Development Block Grant Loan by Mac's Creek Vineyards and Winery. Following Mr. Peplitsch's summary, Mr. Max McFarland reported to Council about his plans to build an addition on the production facility, and purchase equipment with the Funds requested through the CDBG Loan. Vice-President Tomasek closed the Public Hearing. Moved by Miller, seconded by Fagot, to approve the Application for a Community Development Block Grant Loan by Mac's Creek Vineyards and Winery, Lexington, Nebraska. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek. Motion carried.

FINANCIAL REPORT:

Peplitsch reported to Council that the Financial Report for October, 2005 would be presented at the next regular meeting.

EXECUTIVE SESSION:

Moved by Bennett, seconded by Miller, to enter into Executive Session at 7:56 p.m. for the purpose of discussing purchase of land. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek. Motion carried.

Moved by Bennett, seconded by Fagot, to reconvene Regular Session from Executive Session at 8:09 p.m. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek. Motion carried.

Moved by Miller, seconded by Fagot, to add two items to the October 22, 2005 Agenda, being Item 5d, Purchase of Real Estate from Wightman Trust, and Item 5e, Purchase of Real Estate from Nebraska Wesleyan University. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek. Motion carried.

Moved by Fagot, seconded by Miller, to approve the purchase of W ½ Sec. 31-10-21 lying S. of PVPP&ID canal, Dawson County, Nebraska from John M. Wightman and Janet L. Wightman, Trustees, for the sum of \$300,000.00 and to direct and authorize the City Manager to arrange financing for the purchase. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek. Motion carried.

Moved by Miller, seconded by Fagot, to approve the purchase of E ½ of NE ¼ of Sec. 17, Township 9 N, Range 21 W of the 6th PM in

Dawson County, Nebraska from Nebraska Wesleyan University, for the sum of \$208,000.00 and to direct and authorize the City Manager to arrange financing for the purchase. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek. Motion carried.

ADJOURNMENT:

There being no further business to come before Council, Vice-President Tomasek declared the meeting adjourned.

Steve Tomasek
Vice-President

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