

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 13, 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, John Bennett, John Fagot, Linda Miller, Steve Tomasek. City Officials present were City Manager Joe Pepplitsch, 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 – 11-22-05: Minutes of the Regular Meeting scheduled for Tuesday, November, 22, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Fagot, to approve the Minutes of the Regular Meeting held November 22, 2005 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,095,811.26 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$615,982.58 from the General Fund, \$415,538.12 from Economic Development, \$4,166.67 from Ed Reuse, \$20,809.52 from Housing Reuse, \$913,758.72 from LEXUS, \$10,000.00 from Sanitation, \$1,664.35 from Landfill, \$1,972.14 from Ambulance Fund, \$2,785.00 from Library Memorial, \$93,845.35 from Health Fund, \$15,288.81 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Fagot, Miller, Tomasek, Bennett, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 13, 2005

A C Technologies, LLC	Library Phone Repair	177.50
All Points Cooperative	Fuel	72.21
Alltel	Cellphone Service	145.12
Awards Plus	Fire Dept. Supplies	160.00
B & D Office City	Office Supplies	132.36
Barmore Drug Store, Inc.	Office Supplies	5.19
Beringer Ciaccio Dennell Mabrey	Architect/Library	1,303.07
Berke, Pam	Conference/Seminar	24.00
Berntson Oil	Fuel	4,417.54

Bob's Auto Repair & Service	Vehicle Repair	414.08
Business & Professional Credit	Collection Fees	309.28
Card Center/Orscheln	Supplies	1,157.21
Case Credit Advantage	WWTP Supplies	1,020.25
Cash-Wa Distributing	Food & Supplies	348.00
Central Garage Fund	Fuel	8,366.39
Checkpoint Systems, Inc.	Security System/Library	7,215.00
Corporate Benefit Svcs of America	Premium	20,962.02
Culligan Water Conditioning Co.	Soft Water Supplies	193.20
Custer Public Power District	Electric Dept. Supplies	772.13
Dan's Sanitation	Sanitation Fees	10,900.67
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson County Public Power	Electricity	5,942.77
Dawson County Register of Deeds	Filing Fees	23.50
Dawson County Surveyor	Survey	100.00
Dawson Pest Control	Building Maintenance	27.00
Dell Marketing L P	Projector/Computers/ Printer/Library	3,144.49
Demco	Office Supplies	46.44
Depository Trust Co.	2001 GO Bond Pmt./2003 Combined Util Bond Pmt.	424,915.00
Donnelson, Gary	Office Supplies	21.50
Dugan Business Forms	Office Supplies	203.51
Dunrite, Inc.	Library Supplies	549.92
Dutton-Lainson Company	Electric Dept./Poles	10,432.50
Eakes Office Products	Office Supplies	84.97
EMS Billing Services, Inc.	Ambulance Billing	1,042.42
Fagot Refrigeration & Electric	Service & Repair	654.84
Fastenal	WWTP Supplies	26.59
Fed Ex	Shipping Fees	11.00
Fifth Street Automotive	Vehicle Repair	111.97
Fox Bros. Hay Co., Inc.	Tree Grinding	2,361.15
G & V	Snow Removal	1,080.00
Gnirk Lawn Care	Lawn Service	472.50
Great Plains One-Call Service	Locates	81.49
Gumdrop Books	Books	1,775.14
H2O Technical Services, Inc.	Sulfuric Acid	2,530.68
Halsen Products Company	Uniform Expense	321.90
Health Claims Fund	Claims	63,624.35
Hipp Wholesale Foods, Inc.	Food & Supplies	885.10
Holmes Plbg & Htg Supply Co.	Supplies	307.03
Hometown Leasing	Copier Lease	697.04
Husker Ag Sales	Snow Blower	1,195.00
HWS Consulting Group	Long Range Transportation/ Comp Plan Update	3,549.21
Ingram Library Services	Books	59.42
Jones Library Sales, Inc.	Library Equipment/Cart	1,115.00
Jones Plumbing & Heating	Supplies/Repair	480.27
K. R. V. N. Radio	Advertising	148.80
Kapco	Library Supplies	52.48
Kemps-Gillette	Beverages	241.18
Kinder Morgan	Gas Service	4,186.66
Kriz-Davis Company	Electric Supplies	1,318.56
Lexington Animal Clinic	Animal Care	893.50
Lex Area Solid Waste Agency	Landfill	1,021.32
Lexington Glass Co.	Building Repair	77.03

Lexington Newspapers, Inc.	Publications	192.05
Lexington Optimists	Membership Dues	60.00
Lexington, City of	Franchise/Service Fees	37,860.49
Payroll	Wages	92,429.86
Social Security	Employer Portion/FICA	
	Med	6,953.93
First National Bank	Employer Portion/Pension	3,025.65
First National Bank	Police Pension	1,373.16
ICMA	City Manager Pension	238.80
Payroll	Wages	103,227.66
Social Security	Employer Portion/FICA	
	Med	7,779.94
First National Bank	Employer Portion/Pension	3,496.40
First National Bank	Police Pension	1,462.16
ICMA	City Manager Pension	238.80
Lexington Postmaster	Postage	150.00
Lexington True Value	Fire Dept. Supplies	137.89
Lexisnexis Matthew Bender	Books	43.45
Lien Lawn Services	Lawn Care	376.00
Linweld	Medical Supplies	58.96
Little Caesars	Food	17.98
Magnet Street	Library Supplies	358.00
Marlin Leasing Corp.	Mailing Machine	570.16
Martin Electric	Fire Dept. Supplies	72.40
Matt Parrott And Sons Co.	Office Supplies	235.84
Mead Rental Center	WWTP Supplies	18.84
Mead/Big Valley Lumber	Supplies	1,690.21
Mendoza, Tone	Food/Library Move	113.85
Michael Todd & Co., Inc.	Water Dept. Equipment	680.07
Micro-Marketing, LLC	Books	19.55
Mid-Nebraska Printing	Supplies	21.22
Mid-State Units	Rental	310.00
Miller & Associates	Pro. Service/N.W. Paving	90.00
Monette, Jamie	Reimbursement/CDL	55.00
Moore Medical Corp.	Ambulance Supplies	377.62
National Waterworks	Water Dept. Supplies	138.03
Nebraska Dept. of Economic Dev	CDBG Loan Payment	4,166.67
Nebraska Econ Developers Assn.	Membership Dues	100.00
Nebraska Dept. of HHS Laboratory	Water Test Analysis	1,358.00
Nebraska Public Power District	Power Purchase	453,089.14
Nebraska Safety Council	Safety Video	5.00
Nebraska Statewide Arboretum	Membership Dues	100.00
Nebraska Tech & Telecomm, Inc.	Phone Expense	1,515.77
Nebraska Waste Handlers	Sludge Removal	5,300.92
Nelson, Margie L	Cleaning Service	500.00
Overton Sand & Gravel	Gravel/Fill Sand	275.48
Peak Interest	Food	24.53
Platinum Plus For Business	Supplies/Travel Expense	266.51
Plum Creek Auto Spa	Car Wash	13.00
Plum Creek Medical Group	Flu Shots	1,350.00
Random House, Inc.	Books	418.05
Recorded Books	Books	39.80
Sav A Lot Discount Foods	Food	13.12
Self-Propulsion Publishing	Books	17.97
Sign Pro	Street Banners	540.00
South Central Nebraska	Membership Dues	35.00

Summit Supply Corporation	Park Supplies/Picnic Table	
	Frames	3,144.00
T. O. Haas Tire Co., Inc.	Tire Repair	13.00
Teledyne Isco, Inc.	WWTP Supplies/Composite	
	Sampler	8,650.00
TierOne Bank	Ind. Tract Land Payoff	415,538.12
TierOne-Lib. Petty Cash	Postage	4.65
Total Lawn Care	Lawn Care	934.00
Tri-County Hospital	Wellness	231.00
U-Save Business Equipment	Office Supplies	30.59
United States Plastic Corp.	WWTP Supplies	4.49
WPCI	Drug Test	50.00
Wal-Mart	Supplies	704.23
Ward Laboratories	Water Test	24.00
Wayne Manufacturing Co, L.C.	Street Supplies	358.53
Wesco Distribution, Inc.	Electric Supplies	410.88
Will Weinhold Trust Account	Loschen Land Purchase	20,809.52
Willard Weinhold Law Office	Fees	1,890.00
AGA, LLC	Library Equipment	2,785.00
AFLAC	Premium	884.28
All Points Cooperative	Fuel	80.15
B & D Office City	Office Supplies	54.99
Barmore Drug Store, Inc.	Office Supplies	9.99
Barco Municipal Products	Water Dept. Supplies	233.85
Burklund, D. L.	Electric Rebates	1,450.00
Case Credit Advantage	WWTP Supplies	3.98
Card Center/Orscheln	Supplies	120.48
Cash-Wa Distributing	Food & Supplies	612.66
Conney Safety Products	WWTP Supplies	129.98
Dan's Sanitation	Sanitation Fees	970.00
Electric Fixture	Electric Supplies	46.03
Fagot Refrigeration & Electric	Repair	123.58
Farmer Brothers Coffee	Food & Supplies	118.60
Fastenal	WWTP Supplies	20.81
Five Star Flooring	Electric Dept. / Carpet	369.78
Gutierrez, Jorge	Electric Rebate	1,025.00
Grand Island Independent, The	Subscription	156.00
Health Claims Fund	Claims	28,161.72
Hieter, Larry	Electric Rebate	900.00
Hipp Wholesale Foods, Inc.	Food & Supplies	392.52
Ingram Library Services	Books	39.70
Kemps-Gillette	Beverages	47.74
Lexington Health Fund	Self-Funding	71,094.02
Lexington Newspapers, Inc.	Publications	7.27
Lexington Postmaster	Box Rentals	346.00
Lexington True Value	Supplies	4.88
Linweld	Ambulance Supplies	95.36
Martin's Flag Company	Street Dept. Supplies	662.43
Mead/Big Valley Lumber	Library Supplies	34.05
Merchant JT&S	Electric Dept./Training	
	Manual	430.00
Micro-Marketing, LLC	Books	37.30
Mid-Nebraska Food Bank	Food	65.34
Mid-Nebraska Printing	Office Supplies	17.74
Mid-State Engineering & Testing	Testing	175.00
Midwest Laboratories, Inc.	Testing	1,664.35

Moore Wallace	Office Supplies	603.00
Naumann, Ron	Electric Rebate	1,025.00
Naumann, Sondra	Cleaning Service	66.00
Nebraska Amateur Softball Assoc	Recreation Dept. Fees	175.00
Nebraska Department of Revenue	Sales & Use Tax	28,349.90
Nelson, Margie	Cleaning Service	20.00
Newman Traffic Signs	Street Dept. Supplies	610.50
OCLC, Inc.	Books	445.00
Penworthy Company	Books	987.41
Platte Valley Communications	Maintenance	103.00
Plum Creek Cleaners	Cleaning Service	4.50
Plum Creek Medical Group	Flu Shot	25.00
Quinlan Publishing	Books	59.00
Random House, Inc.	Books	81.60
S & W Auto Parts, Inc.	WWTP Supplies	270.99
Sav A Lot Discount Foods	Food	41.42
Sign Pro	Electric Dept. Supplies	30.82
Sophie Sarratt Cleaning	Cleaning Service	1,984.50
Telegraph	Subscription	132.50
TierOne-City Petty Cash	Petty Cash/Misc. Expense	55.52
TierOne-Lib. Petty Cash	Postage	4.85
Viking Office Products	Office Supplies	75.27
Wal-Mart	Misc. Supplies	130.04
Weyers, Jamie	Electric Rebate	125.00
Will Weinhold Trust Account	Wightman Land Purchase	160,441.25
Zep Manufacturing Co.	Office Supplies	81.14
	TOTAL:	2,095,811.26

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 15 for the Lexington Public Library Project. Following discussion, moved by Tomasek, seconded by Fagot, to approve Pay Request No. 15 for the Lexington Public Library Project, to Lacy Construction Co., in the amount of \$103,677.07. Roll call. Voting "aye" were Miller, Bennett, Fagot, Tomasek, Cook. Motion carried.

ORDINANCE:

Jerry Bergstrom, Principal of Pershing Elementary, requested Council's approval of an Ordinance creating the Lexington Multicultural Commission. Following discussion, moved by Miller, seconded by Bennett, to amend Ordinance, Section 1, to have last sentence read as follows: "A member shall reside in the Lexington area". Roll call. Voting "aye" were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

An Ordinance entitled "AN ORDINANCE TO CREATE A MULTICULTURAL COMMISSION; TO REPEAL ALL 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 Miller, to approve said Ordinance on First Reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

RESOLUTION:

City Attorney Will Weinhold, requested Council's approval of a Resolution transferring the Property Deed on the old Lexington Public

Library to Lexington Public Schools. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No. 05-33 transferring the Property Deed on the Lexington Public Library. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-33

WHEREAS, the City has by Ordinance No. 2203 approved the sale of the following described real estate owned by the City, to-wit:

Lots 7, 8, and 9, Block J, MacColl and Leflang'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 and President of 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 Dawson County School District No. 1, the purchaser thereof.

PASSED AND APPROVED this 13th day of December, 2005.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

JOINT RESOLUTION:

Peplitsch requested Council's approval of a Joint Resolution with Dawson County School District #1. Following discussion, moved by Fagot, seconded by Tomasek, to approve Joint Resolution No. 05-34 between the City of Lexington and Dawson County School District #1. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

JOINT RESOLUTION NO. 05-34

WHEREAS, the City of Lexington, Nebraska (City), and Dawson County School District 001, (School) have previously entered into an Interlocal Agreement dated April 24, 1995, creating the Lexington Community Facilities Agency, together with a Management Agreement dated November 14, 1995; and

WHEREAS, said agreements provide for the adding of other joint use facilities; and

WHEREAS, the parties intend that the former library property, to-wit:

Lots 7, 8 and 9, Block J, JacColl and Leflang's Addition to the City of Lexington, Dawson County, Nebraska;

Shall be jointly used by the parties for education, recreational, cultural and other activities which will benefit the entire community;

It is therefore jointly resolved by the School Board of Dawson County School District 1, and the City Council of the City of Lexington, Nebraska, (City) as follows:

1. That School shall convey to the Lexington Community Facilities Agency, its undivided interest in and to its right of ownership as a lease/purchaser, of the building and other facilities located on the following described real estate, to-wit:

Lots 7, 8 and 9, Block J, MacColl and Leflang's Addition to the City of Lexington, Dawson County, Nebraska;

2. That the above described property shall be subject to the terms of the Management Agreement dated November 14, 1995, and managed as a joint facility subject to the interlocal agreement of the parties.

Passed and approved November 21, 2005

DAWSON COUNTY SCHOOL DISTRICT, 001,

By: Ann H. Luther

Passed and approved December 13, 2005

CITY OF LEXINGTON, NEBRASKA

By: Ted Cook Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**INTERLOCAL
AGREEMENT**

Mr. Brian Bennett, Business Manager of Lexington Public Schools, requested Council's approval of an Interlocal Agreement between the City of Lexington and Dawson County School District #1 for utility service. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 05-35 approving a Joint Resolution with Dawson County School District #1. Roll call. Voting "aye" were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

RESOLUTION NO. 05-35

WHEREAS, It is in the best interests of the City of Lexington to enter into an Interlocal Agreement with Dawson County School District No. 1, to provide utilities service to the Lexington Public School System.

NOW BE IT RESOLVED, by the City Council, City of Lexington, Nebraska, that the Interlocal Agreement attached hereto, is hereby approved, and that Ted Cook, as President of the Council, is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington, Nebraska.

PASSED AND APPROVED, December 13, 2005.

CITY OF LEXINGTON, NEBRASKA

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

RESOLUTION:

Pepplitsch requested Council's approval of a Resolution authorizing City Staff to borrow funds to finance land acquisition. Following discussion, moved by Fagot, seconded by Tomasek, to approve Resolution No. 05-36 authorizing City Staff to borrow funds to finance land acquisition. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-36

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR A 77.2 ACRE TRACT OF LAND.

WHEREAS, the City of Lexington, Nebraska has entered into contracts for the purchase of 77.2 acres of land; and

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

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

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 and Trust Company. The loan amount shall not exceed \$187,200.00, for a term of 5 years at an interest rate of 4.125%.
2. That Joe Pepplitsch, 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 13th day of December, 2005.

City of Lexington, Nebraska

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

RESOLUTION:

Mayor Cook requested Council's approval of a Resolution of appreciation to Emil and Gladys Benthack for their contribution to the Lexington Public Library Project Fund. Following discussion, moved by Miller, seconded by Fagot, to approve Resolution No. 05-37 expressing appreciation of Emil and Gladys Benthack for their generous contribution to Lexington. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

RESOLUTION NO. 05-37

WHEREAS, a gift from the Gladys and Emil Benthack Estate has proved to be the cornerstone of a successful effort to build a new library, and without their generosity the new public library would not have been possible.

Therefore, be it resolved by the Mayor and Council of the City of Lexington, Nebraska, that the Lexington City Council, on behalf of the citizens of Lexington, extends its gratitude and thanks to the Gladys and Emil Benthack Estate for its generous gift to the City of Lexington for construction of a new public library.

Passed and approved December 13, 2005.

The City of Lexington, Nebraska

By: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

STEERING COMMITTEE:

Mayor Cook requested Council's approval of creating a steering committee to study information technology needs for the Lexington Public Library. Following discussion, moved by Cook, seconded by Miller, to create the Library Technology Assessment Committee charged with reviewing current information technology assets, assessing current and future technology needs, and developing a plan for the acquisition and deployment of necessary information technology assets. The committee is to report its findings to the Lexington City Council within ninety days. The committee shall meet at its convenience and shall not be required to maintain minutes. The committee may elect such officers as it determines is necessary. Members of the committee will be Dave Fairbanks, Jackie Berke, Tone' Mendoza, Theresa Wadkins, Kristy Jergensen, Jane Eggleston and David Hanna. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Peplitsch, on behalf of the Citizens Advisory Review Committee, presented their report to Council. Following Peplitsch's presentation, Mayor Cook closed the Public Hearing. Moved by Tomasek, seconded by Bennett, to accept the Citizens Advisory Review Committee Report. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

EXECUTIVE SESSION:

Moved by Tomasek, seconded by Bennett, to enter into executive session at 8:02 p.m. for the purpose of discussing purchase of land.

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

Moved by Tomasek, seconded by Bennett, to reconvene regular session from executive session at 8:21 p.m. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Peplitsch reported that two City Council Members are needed to serve on the Lexington Community Facility Agency Committee. Moved by Fagot, seconded by Bennett, to appoint Linda Miller and Steve Tomasek to the Lexington Community Facility Agency Committee. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Fagot, Cook. Motion carried.

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