

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 27, 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, 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 – 12-13-05: Minutes of the Regular Meeting scheduled for Tuesday, December 13, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Fagot, to approve the Minutes of the Regular Meeting held December 13, 2005 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,150,155.28 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 \$272,169.48 from the General Fund, \$504,070.84 from Ed Reuse, \$328,442.29 from LEXUS, \$23,266.98 from Sanitation \$2,538.00 from Landfill, \$822.60 from Ambulance Fund, \$1,695.00 from Library Memorial, \$11,524.31 from Health Fund, \$5,625.78 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Fagot, Tomasek, Bennett, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 27, 2005

All Points Cooperative	Fuel / Supplies	125.41
Alltel	Cellphones	217.88
American Safety Utility Corp	Uniform Expense	169.09
Analytical Products Group, Inc.	Waste Water Testing	637.00
Barco Municipal Products	Uniform Exp/St Supplies	438.79
Barmore Drug Store, Inc.	Library Supplies	12.99
Barney Escrow Co, Inc. Trust Acct	WWTP Land Purchase	187,732.75
Bennett Advertising Specialties	Ofc Supplies / Letterhead	963.00
Beringer Ciacchio Dennell Mabrey	Architect / Library	1,187.50
Berntson Oil	Fuel / Supplies	8,770.13

Brown, Harold	Electric Rebate	900.00
Brummet, Elberta	Mileage	14.55
Business & Professional Credit	Collection Fees	300.97
Card Center/Orscheln	Supplies	80.64
Case Credit Advantage	WWTP / Repair	251.36
Cash-Wa Distributing	Food & Supplies	1,235.41
Central Community College	Amb Exp/CPR Renewals	420.00
Central Garage Fund	Maint / Repairs	14,662.32
Central Tire & Tread	Tires / Repair	220.62
Certified Laboratories	Central Garage Supplies	244.68
Clone Productions	Library Expense	200.00
Coca Cola/Dr. Pepper of Kearney	Beverages	47.50
Consumer Reports Money Adviser	Subscription	24.00
Cook, Ted	Conference / Seminars	155.20
Cornhusker Energy Lex, LLC	CDBG Loan / Grant	500,000.00
Cosmos Club	Park Clean-up	300.00
Dawson County Handibus	Transportation	44.00
Dawson County Road Department	Street Supplies	290.43
Dell Business Credit	Library Equipment	1,695.00
Demco	Office Supplies	116.81
Doran Post & Associates, Inc.	Surety Bond Renewal	40.00
Downey Drilling Inc.	Repairs / Library / Optimist Ball Field	7,727.11
Dutton-Lainson Company	Elec Dept/Historical Ltg	11,856.00
Eakes Office Products	Library Furnishings	134,076.09
Eilers Machine & Welding	Supplies	187.83
Electric Fixture	Electric Supplies	1,831.23
FedEx	Shipping Fees	11.00
Fisher Scientific	WWTP Supplies	277.12
Flowers of Joy	Supplies	79.54
Gaylord Bros., Inc.	Library Furnishings	1,550.42
Hall's Safety Equipment	Electric Supplies	170.60
Harker's	Food	220.29
Health Claims Fund	Claims	11,231.91
Hipp Wholesale Foods, Inc.	Food & Supplies	346.25
Holbein, Dahlas D.	Maint. & Cleaning Service	850.00
Ingram Library Services	Book	3.19
Intellicom Comp Consulting, Inc.	Library Phone System	1,692.74
Job's Daughters	Park Clean-up	300.00
Kemps-Gillette	Beverages	181.88
Kriz-Davis Company	Electric Supplies	527.94
Lexington Boy Scout Troop #88	Recycling / Park Clean-up	319.50
Lexington Boy Scout Troop #144	Recycling	19.50
Lexington Communications	Central Garage Supplies	44.50
Lexington Eagles Club	Park Clean-up	100.00
Lexington Girl Scouts	Recycling	39.00
Lexington Newspapers, Inc.	Publications / Adv.	3,324.39
Lexington True Value	Supplies	121.54
Lexington Utilities System	Utilities	23,776.30
Lexington Volunteer Fire Dept.	Refund Donation	50.00
Payroll	Wages	89,080.09
Social Security	Employer Port/FICA Med	6,697.56
First National Bank	Employer Port/Pension	3,182.81
First National Bank	Police Pension	1,254.52
ICMA	City Manager Pension	238.80
Linda's Stitches & Creations	Shirts	2,117.07

Lion's Club	Park Clean-up	300.00
Luther, Ann	Conference / Seminars	21.08
Lynch, Robert	Electric Rebate	1,025.00
Marroquin, Maria	Electric Rebate	300.00
Matt Friend Truck Equipment	Central Garage Supplies	210.00
McCookNet Internet Service	Server Installation/Service	15,417.32
Mead/Big Valley Lumber	Supplies	248.12
Mead Rental Center	Central Garage Supplies	21.04
Mid-Nebraska Printing	Office Supplies	824.15
Mid-State Engineering & Testing	Testing	175.00
Mid-States Supply Company, Inc.	WWTP Supplies	45.42
Miller & Associates	Retainer Service	800.00
Municipal Emergency Services	Uniform Expense	115.41
N C B O & I	Conference / Inspector	40.00
Naumann, Sondra	Cleaning Service	30.00
Nebr Dept of Economic Dev	Orthman's CDBG Loan Payment	4,042.50
Nebraska Department of HHS Lab	Water Test Analysis	120.00
Nebraska Machinery	Cent Gar Supplies/Repair	3,015.19
Nebraska Public Power District	Electric Supplies	343.60
Nebraska Secretary of State	Notary Bond	30.00
Nebr Soc of Fire Svc Instructors	Books	684.00
Neopost	Postage	1,500.00
Overton Community Center	MOW	100.00
Pace Analytical	Landfill Water Analysis	2,538.00
Paulsen Inc.	Concrete	478.29
People En Espanol	Subscription	11.00
Platinum Plus For Business	Supplies	1,700.91
Platte Valley Communications	Radio Repair	129.44
Plum Creek Medical Group	Flu Shot	25.00
Plum Creek Motors	Vehicle Maintenance	48.62
Precision Industries	Supplies	132.06
Random House, Inc.	Book	76.50
S & W Auto Parts, Inc.	Central Garage Supplies	2,196.72
Sav A Lot Discount Foods	Food	4.30
Service Master Mid Nebraska	Cleaning Service	522.75
Shamrock Ag Consulting, Inc.	Soil Testing	455.00
Simmerman Electric	Service	135.30
Sophie Sarratt Cleaning	Cleaning Service	832.00
Steve's Lock & Key	Service / Keys	106.55
Subway of Lexington	Food	59.10
T. O. Haas Tire Co., Inc.	Tires / Repair	3,566.68
TASC	Flex Plan	90.00
TierOne-Lib. Petty Cash	Postage	28.24
U-Save Business Equipment	Office Supplies	322.96
United Methodist Youth Group	Park Clean-up	200.00
Utility Equipment	Water Dept. Supplies	862.04
Wal-Mart	Misc. Supplies	353.96
Warehouse Surplus	Street Supplies	17.10
Waterlink, Inc.	WWTP Supplies	132.81
Wesco Distribution, Inc.	Electric Supplies	3,506.48
Alltel	Cellphones	52.16
Barmore Drug Store, Inc.	Ambulance Supplies	69.98
Dawson County Treasurer	Personal Prop Tax/Drainage Tax	195.12
Dan's Sanitation	Sanitation Fees	23,266.98

Danko Emergency Equipment Co.	Fire Dept. Equipment	222.99
Dugan Business Forms	Office Supplies	226.20
Lexington Newspapers, Inc.	Publications	8.42
Lexington, City of	Franchise / Service Fee	43,796.54
Municipal Clerk Institute	Conference	195.00
National Waterworks	Meter Head / Water Dept.	1,465.83
Plum Creek Medical Group	Flu Shot	25.00
TASC	Flex Plan	202.40
TierOne-City Petty Cash	Petty Cash/Misc. Expense	65.42
Univar USA, Inc.	Caustic Soda / WWTP	7,280.28
Wesco Distribution, Inc.	Electric Supplies	158.57
	TOTAL:	1,150,155.28

ORDINANCE:

Council Member Miller requested Council’s approval of an amended Ordinance creating the Lexington Multicultural Commission. Following discussion, moved by Miller, seconded by Fagot, to amend an Ordinance by having the last two sentences of Section 1 read as follows: “A member shall reside in the Lexington area. Membership shall reflect the cultural diversity of the Lexington area.” Roll call. Voting “aye” were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

An Ordinance entitled “AN ORDINANCE TO CREATE A MULTI-CULTURAL COMMISSION; TO REPEAL ALL ORDINANCES OR SECTIONS OR 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 Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Miller, to approve Ordinance No. 2206 on Final Reading. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

PARKS AND TRAILS:

Vicki Gilpin, representing the Parks and Trails Committee, presented a Report for Council’s consideration. Following Ms. Gilpin’s presentation, moved by Fagot, seconded by Tomasek, to accept the Parks and Trails Committee Report. Mayor Cook thanked Ms. Gilpin for her service on the committee.

PAY REQUEST:

Dana Daniels, representing Miller and Associates, requested Council’s approval of Pay Request No. 2 for the 10th Street Paving Project. Following discussion, moved by Miller, seconded by Fagot, to approve Pay Request #2 (final) for the 10th Street Paving Project, to T.L. Sund Constructors, Inc., in the amount of \$34,492.80. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

RESOLUTION:

Pepplitsch requested Council’s approval of a Resolution terminating the deferred compensation program. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 05-38 terminating the deferred compensation program. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-38

A RESOLUTION TERMINATING PARTICIPATION IN NORTHWESTERN MUTUAL 457(B) DEFERRED COMPENSATION PROGRAM.

WHEREAS, the City of Lexington, Nebraska has offered deferred compensation options through Northwestern Mutual; and

WHEREAS, the program is not utilized; and

WHEREAS, the City is allowed by law to terminate the program;

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

The City hereby terminates the Governmental Deferred Compensation Plan, a Section 457(b) plan, with Northwestern Mutual;

Any and all plan assets will be transferred according to participant direction;

The termination is effective December 31, 2005.

Passed and approved this 27th day of December, 2005.

City of Lexington, Nebraska

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

APPOINTMENT OF CITY OFFICIALS:

An Ordinance was presented for Council's consideration appointing City Officials for calendar year 2006. Following discussion, an Ordinance entitled 'AN ORDINANCE APPOINTING CITY OFFICIALS: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM' was read before Council. Moved by Fagot, seconded by Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Miller to approve Ordinance No. 2207 on Final Reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

APPOINTMENTS:

Mayor Cook requested Council's approval of the following Lexington Boards and Commissions:

Board of Adjustment – John Knapple

Environmental Health Officer – Thomas R. Nelson

Board of Health – Mayor, City Manager, Chief of Police, City Physician, Environmental Health Officer

Library Board – Sally Margritz

Planning Commission – Toby Owens, Jim Hain, Rusty Sutton

Tree Board – Dave Stenberg, Tim Boyle

Moved by Fagot, seconded by Bennett, to confirm the Mayor's appointments to the Lexington Boards and Commission, with the remaining nominations to be held at a later date. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

FINANCIAL REPORT:

Pepplitsch requested Council's acceptance of the Financial Report for October, 2005. Following discussion, moved by Tomasek, seconded by Bennett, to accept the Financial Report for October, 2005 as presented. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Pepplitsch requested two Council Members be appointed to work with the Rural Fire Board. Following discussion, Council appointed John Fagot and Steve Tomasek to serve on the Lexington Fire Board.

Discussion was held regarding a request by Mayor Cook to have the City of Lexington pay for Membership to the Tri County Hospital Health and Fitness Center for City Council Members. Currently only Full-Time City Staff, and Volunteer Firemen are eligible to join the Fitness Center. Following discussion, voting against Council Membership was Fagot and Tomasek. Voting for Council Membership to the Fitness Center was Miller, Bennett, Cook.

Upon receiving a complaint by Kent Franzen, Mayor Cook moved to direct the City Manager and Chief of Police, to request an appointment with Judge Carlton Clark to discuss possible changes on procedures in issuing warrants on minor offenses. Seconded by Miller. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

Mayor Cook requested that an Ordinance to ban Smoking in Bars, Restaurants and Public Places be put on the next City Council Agenda for discussion.

Mayor Cook reported that last September, City Manager Pepplitsch was directed to begin negotiations with Central Platte NRD and the Game and Parks Commission to determine if it would be possible for them to participate in the City Trails Construction. Pepplitsch stated that he had not be directed to do so, but informed the Council that the City had been awarded Enhancement Funding, and once received, Administration will look at other avenues, including possibly using redevelopment dollars, to off-set the match in funds.

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