

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 28, 2006, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Ted Cook, Steve Tomasek, Joni Bennett, John Fagot, and Linda Miller. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Willard Weinhold, and Deputy City Clerk Pam Berke. Other city personnel included Barb Mills and Ann Luther. Citizens attending included Clinton and Deb Witt, Bob Heinz and John Salem. Members of the press included Harry Perkins of Kearney Hub.

**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. Cook informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR  
MEETING 11-14-06**

Minutes of the Regular meeting held Tuesday, November 14, 2006 were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll Call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion Carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$296,504.31 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Fagot, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$120,699.94 from the General Fund, \$8,209.17 from ED Reuse, \$128,521.29 from LEXUS, \$24,083.70 from Sanitation, \$150.00 from Landfill, \$1,711.35 from Ambulance Fund, \$5,532.04 from Health Fund, and \$7,596.82 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
November 28, 2006**

|                            |                         |        |
|----------------------------|-------------------------|--------|
| All Points Cooperative     | Fuel                    | 57.65  |
| Alltel                     | Service                 | 279.77 |
| American Public Works Assn | Membership Dues         | 249.00 |
| Barnes Distribution        | Street Supplies         | 470.90 |
| Brown Traffic Products     | Electric Dept. Supplies | 774.93 |
| Card Center/Orscheln       | WWTP / Water Supplies   | 680.73 |
| Cash-Wa Distributing       | Food                    | 338.09 |
| CD Publications            | Subscription            | 74.00  |

|                                  |                                   |           |
|----------------------------------|-----------------------------------|-----------|
| Colorado Chapter ICBO            | Conference                        | 260.00    |
| Davis Energy, Inc.               | Fuel                              | 4,170.72  |
| Dawson County Court              | Court Fees                        | 14.00     |
| Demco                            | Library Supplies                  | 102.74    |
| Do It Yourself                   | Subscription                      | 19.97     |
| Eakes Office Plus                | Electric Supplies                 | 364.87    |
| Electric Fixture                 | Supplies                          | 258.85    |
| Experience Works, Inc.           | GGC Donation                      | 120.00    |
| Fagot Refrigeration & Electric   | WR Repairs/Wells 17&18/Supplies   | 8,562.14  |
| Farmer Brothers Coffee           | Food & Supplies                   | 66.86     |
| FYR-TEK                          | Fire Supplies                     | 264.37    |
| Gale Group, The                  | Books                             | 42.84     |
| Glaze, Gary                      | Safety Glasses                    | 139.00    |
| Gnirk Lawn Care, Inc.            | Lawn Care / Pool                  | 520.00    |
| H. W. Wilson Company, The        | Books                             | 205.00    |
| Hall's Safety Equipment          | Electric Supplies                 | 159.45    |
| Haynes, Wade J.                  | Utility Refund                    | 108.45    |
| Health Claims Fund               | Claims                            | 3,552.23  |
| Hertz Equipment Rental           | Water Supplies                    | 456.19    |
| Hipp Wholesale Foods, Inc.       | Food & Supplies                   | 795.19    |
| Holbein, Dahlas D.               | Maintenance / Cleaning            | 850.00    |
| Ingram Library Services          | Books                             | 771.53    |
| Jelco Carpet Cleaning            | Clean Carpets / GGC               | 275.00    |
| Keep Lexington Beautiful         | Administration Fees               | 400.00    |
| Kemps-Gillette                   | Beverages                         | 71.44     |
| Payroll                          | Wages                             | 97,174.74 |
| Social Security                  | Employer Portion / FICA Med       | 7,191.58  |
| First National Bank              | Employer Portion / Pension        | 3,062.06  |
| First National Bank              | Police Pension                    | 1,422.66  |
| ICMA                             | City Manager Pension              | 356.81    |
| Low Cost Batteries               | Water Supplies                    | 42.93     |
| Lundeen-Isaacson, Inc.           | Fire Group Life Insurance         | 2,164.50  |
| Matt Parrott and Sons, Co.       | Office Supplies                   | 251.44    |
| McCookNet Internet Service       | Service                           | 139.00    |
| Mead Lumber                      | Supplies                          | 528.74    |
| Mid-Nebraska Food Bank           | Food                              | 55.44     |
| Miller & Associates              | Retainer Services / Trail Phase I | 3,470.18  |
| Money Handling Machines, Inc.    | Service Agreement                 | 458.00    |
| MPH Industries, Inc.             | Police Supplies                   | 134.38    |
| NE Dept. of Economic Develop     | Orthman's/Mid Plains CDBG Pymt    | 8,209.17  |
| NE Dept. of Health & Human Svc   | Water Operator License            | 50.00     |
| NE Dept. of HHS Laboratory       | Well Water Testing                | 1,055.00  |
| NE Association of Senior Centers | Membership Dues / GGC             | 40.00     |
| Nebraska Statewide Arboretum     | Membership Dues                   | 100.00    |
| Olsson Associates                | Electrical Map Updates            | 242.41    |
| Overton Community Center         | Meals On Wheels                   | 100.00    |
| Oxmoor House                     | Book                              | 38.87     |
| Pace Analytical                  | Landfill Water Analysis           | 150.00    |
| Paulsen, Inc.                    | Concrete                          | 372.81    |
| People                           | Subscription                      | 113.88    |
| Pinnacle Agency, The             | Public Official Bond              | 100.00    |
| Platinum Plus For Business       | Water Supplies                    | 250.01    |
| Plum Creek Promotions            | Uniform Expense                   | 169.44    |
| Random House, Inc.               | Book                              | 61.20     |
| Red Willow Western Fire Dept.    | Fire / Air Compressor             | 5,000.00  |
| Service Master Mid Nebraska      | Carpet / Library Cleaning         | 1,282.50  |
| Smart Apple Media                | Books                             | 516.47    |

|                                 |                                       |           |
|---------------------------------|---------------------------------------|-----------|
| Solomon Corporation             | PCB Testing                           | 30.00     |
| State of Nebraska               | Utility Refund                        | 52.94     |
| Subway Sandwiches & Salads      | Food                                  | 41.32     |
| Team Detail & Quicklube         | Car Washes                            | 40.00     |
| Technical Maintenance & Service | WWTP / Service                        | 211.20    |
| TierOne-Lib. Petty Cash         | Postage                               | 44.23     |
| Total Lawn Care                 | Lawn Care                             | 1,098.00  |
| U-Save Business Equipment       | Office Supplies                       | 79.34     |
| Utility Equipment               | Water Supplies                        | 331.52    |
| W P C I                         | Drug Test                             | 100.00    |
| Wadkins, Theresa                | Conference                            | 226.29    |
| Wal-Mart                        | Supplies                              | 638.28    |
| Wesco Distribution, Inc.        | Electric Supplies Transformer Pad     | 2,329.32  |
| Willard Weinhold Law Office     | Deposition Fee                        | 50.00     |
| Alvarez, Felipe                 | Electric Rebate                       | 1,025.00  |
| Brown, Patricia                 | Interview Expense                     | 492.17    |
| Card Center/Orscheln            | Supplies                              | 48.26     |
| Cash-Wa Distributing            | Food & Supplies                       | 881.16    |
| Central Garage Fund             | Maintenance / Repairs                 | 3,672.78  |
| Dawson County Road Department   | Street Supplies                       | 204.00    |
| Dawson Pest Control             | Building Maintenance                  | 27.00     |
| Dan's Sanitation                | Sanitation Fees                       | 24,083.70 |
| Dell Marketing L P              | Computers / Library                   | 3,168.06  |
| Downey Drilling, Inc.           | Central Garage Supplies               | 15.50     |
| EMS Billing Services, Inc.      | Ambulance Fees / Refund               | 1,483.70  |
| Environmental Systems Research  | GSI Server / Maint. Fees              | 3,027.40  |
| Farmer Brothers Coffee          | Food & Supplies                       | 186.97    |
| Gale Group, The                 | Books                                 | 42.84     |
| Galls, Inc.                     | Uniform Expense                       | 46.14     |
| Gempler's, Inc.                 | Uniform Expense                       | 91.40     |
| HD Supply Waterworks            | Meter Box/Cover/SR11 Register/Upgrade | 9,772.10  |
| Health Claims Fund              | Claims                                | 1,691.21  |
| Hipp Wholesale Foods, Inc.      | Food & Supplies                       | 1,219.08  |
| Husker Ag Sales                 | Central Garage Supplies               | 11.20     |
| Ingram Library Services         | Books                                 | 66.22     |
| Knapple, Paula                  | Electric Rebate                       | 900.00    |
| Kemps-Gillette                  | Beverages                             | 216.43    |
| Lexicon Marketing Group         | DVD / CD's / Library                  | 1,383.00  |
| Lexington, City of              | Franchise / Service Fees              | 46,966.59 |
| Lexington Utilities System      | Utilities                             | 23,428.04 |
| Linda's Stitches & Creations    | Uniform Expense                       | 815.34    |
| Mead Lumber                     | Supplies                              | 17.79     |
| Mid-Nebraska Printing           | GGC / Copies                          | 247.50    |
| Nebraska Machinery              | Central Garage Supplies               | 14.78     |
| Nebraska Secretary of State     | Notary Bond                           | 30.00     |
| Nelson, Margie                  | Cleaning Service                      | 60.00     |
| Neopost                         | Postage                               | 1,500.00  |
| Paulsen Inc.                    | Concrete                              | 86.14     |
| Plum Creek Market Place         | Food                                  | 46.64     |
| S & W Auto Parts, Inc.          | Central Garage Supplies               | 472.87    |
| Sargent Drilling Company        | Well #14 Repairs                      | 514.67    |
| Sewer Equipment Co. of America  | Central Garage Supplies               | 212.37    |
| T. O. Haas Tire Co., Inc.       | Tires / Repair                        | 266.84    |
| Tasc                            | Flex Plan                             | 188.60    |
| TierOne-City Petty Cash         | Misc. Expense                         | 98.32     |
| U-Save Business Equipment       | Office Supplies                       | 68.00     |
| Veterans Club                   | Volunteer Recognition                 | 500.00    |

|                          |                         |          |
|--------------------------|-------------------------|----------|
| Wal-Mart                 | Supplies                | 71.64    |
| Wesco Distribution, Inc. | Electric Supplies       | 875.69   |
| Winter Equipment Company | Central Garage Supplies | 1,214.60 |

GRAND TOTAL: 296,504.31

**ORDINANCE:** Peplitsch requested Council approval of an ordinance to extend enforcement of the Property Maintenance Code to subdivisions and special use property which lies in the two mile zoning jurisdiction. An ordinance entitled "AN ORDINANCE TO EXTEND THE ENFORCEMENT JURISDICTION FOR THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FROM AND FOR AN EFFECTIVE DATE." Following discussion, Moved by Fagot, seconded by Miller, to suspend rules regarding reading of ordinance on three separate occasions. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

An ordinance entitled "AN ORDINANCE TO EXTEND THE ENFORCEMENT JURISDICTION FOR THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE" was read. Moved by Miller, seconded by Fagot, to approve Ordinance No. 2224 on final reading. Roll Call. Voting "aye" were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

**SPECIAL USE PERMIT:** The Council continued consideration of a special use permit request by Clinton and Debra Witt. Following discussion, Mr. Witt requested postponement of action to the next regular meeting.. Motion by Fagot, seconded by Tomasek, to table issue until December 12, 2006 meeting. Roll Call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

**PUBLIC HEARING:** Mayor Cook opened public hearing to consider an application to the Lexington Economic Development Program from the Council of Economic Development to be used as a line of credit in the amount of \$300,000. Bob Heinz, representing CED, commented on the application. Following discussion, Mayor Cook closed the public hearing. Motion by Fagot, seconded by Miller, to approve the application. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Fagot, Cook. Motion carried.

**BID AWARD:** Peplitsch requested Council award of bid on the Downtown Historic Street Lighting Phase II. Peplitsch noted that the Nebraska Department of Roads will need to concur with the contract award. Moved by Miller, seconded by Fagot, to approve and award contract to Dutton-Lainson pending concurrence with Nebraska Dept of Roads. Roll call. Voting "aye" were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

**CHANGE ORDER:** Peplitsch requested Council approval of change order for the Grand Generation Center Improvement Project. Following discussion, motion by Miller, seconded by Fagot, to authorize execution of change order. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**APPOINTMENT:**

Mayor Cook recommended appointment of Mrs. Pat Longly to the Library Board. Cook noted that she is currently a teacher in the Lexington school system and is the current treasurer of the Friends of the Library. Following discussion, moved by Miller, seconded by Bennett, to appoint Pat Longly to the Library Board. Roll call. Voting "aye" were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

**MEETING DATE:**

Peplitsch indicated an organizational meeting of the Council is needed on December 5, 2006. Following discussion, moved by Tomasek, seconded by Bennett, to set meeting for 7:30 a.m. on December 5, 2006. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

**ROUNDTABLE:**

Peplitsch noted that 90% plans for the Pedestrian Trail Phase I project will be submitted to NDOR in early December. Proposals for operation and maintenance of the electric department have been received and Peplitsch would like two members of the council to assist in reviewing them. Council members Fagot and Tomasek volunteered to assist Staff with this process. Peplitsch commented that the International Property Maintenance Code was put in place November 1 and the process has started to show some areas of progress.

Burnside noted that the Community Fitness Initiative will be filing Intent-to-Apply for Safe Routes to Schools grant funds from the State.

Berke noted that the Employee Appreciation Banquet has been set for January 13, 2007, at the Holiday Inn Express.

Bennett and Miller thanked Mayor Cook for his years of service and dedication to the Council.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Cook declared the meeting adjourned.

Ted Cook  
Mayor

Pamela Berke  
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.



*Pamela Berke*  
Deputy City Clerk

