

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 12, 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 John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Willard Weinhold, and Deputy City Clerk Pamela Berke. Other city personnel included Charlie Clark. Citizens attending included Clinton Witt, Bill Brecks, Mitch Heusinkvelt, Connie Bennett, Lex Ann Roach, and Jen Wolf. Members of the press included Harry Perkins of Kearney Hub and Barb Batie of Clipper-Herald.

**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 Fagot. Fagot 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 11-28-06**

Minutes of the Regular meeting held Tuesday, November 28, 2006 were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Salem, Miller, Tomasek, Cook. Motion carried.

**MINUTES – ORGANIZATION  
MEETING 12-05-06**

Minutes of the Organization meeting held Tuesday, December 5, 2006, were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$1,457,482.87 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$315,149.20 from the General Fund, \$50,249.47 from TIF, \$6,460.75 from Housing Reuse, \$1,029,918.63 from LEXUS, \$10,000.00 from Sanitation, \$315.73 from Landfill, \$1,650.22 from Ambulance Fund, \$17,545.75 from Police Pensions, \$16,758.81 from Health Fund, and \$9,434.31 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 12, 2006**

Alamar Uniform Company	Uniform Expense	111.66
All Points Cooperative	Fuel / Supplies	128.55

Alltel	Service	115.02
Axis Capital	Mail Machine Payment	455.85
Card Center/Orscheln	Supplies / Uniform Expense	130.50
Case Credit Advantage	WWTP / Service Tractor	1,105.03
Cash-Wa Distributing	Food & Supplies	1,018.93
Central Garage Fund	Fuel	6,550.86
Chief Supply Corp.	Fire / Uniform Expense	200.93
Copier Connection, Inc.	Service Agreement	350.00
Community Redevelopment Authority	TIF / Lexington Investors	2,547.33
Conney Safety Products	Street Supplies	353.97
Corporate Benefit Services of America	Premium	18,584.82
Culligan Water Conditioning, Co.	Soft Water Supplies	195.77
Dan's Sanitation	Sanitation Fees	11,838.80
Davis Energy, Inc.	Fuel / Oil	4,922.50
Dawson County Public Power	Power Purchase	6,076.30
Dawson County Register of Deeds	Filing Fees	5.50
Dell Marketing, L. P.	Computer / Library	1,435.16
Delta Dental of Nebraska	Premium	1,135.35
Depository Trust Co.	01 GO Bond Pmt/03 Utl Bond Pmt	424,386.25
Doran Post & Associates, Inc.	Surety Bond Renewal	40.00
Dugan Business Forms	Office Supplies	635.57
Dutton-Lainson Company	Electric Supplies	80.86
EMS Billing Services, Inc	Ambulance Fees	666.42
Electric Fixture	Electric / Water Supplies	740.60
Fagot Refrigeration & Electric	OOR Housing	5,340.00
Farmer Brothers Coffee	Food & Supplies	185.44
Fastenal	WWTP Supplies	97.81
Gale Group, The	Books	283.42
Galls Inc.	Uniform Expense	89.85
Gengenbach, Kevin	Rental	55.00
G-Man Feed & Seed	Boots	157.29
Gnirk Lawn Care, Inc.	Weed Spraying	620.00
Grand Island Independent, The	Subscription	160.00
Great Plains One-Call Service	Locates	63.74
Health Claims Fund	Claims	5,735.06
Heartland Clerks Association	Dues	10.00
Hipp Wholesale Foods, Inc.	Food & Supplies	1,650.53
Holtz, Marcia	GGC Supplies	46.93
Hometown Leasing	Copier Lease	472.46
Hydraulic Equipment Service	El. Truck Repair	11,722.47
Ingram Library Services	Books	196.35
Jones Plumbing & Heating	Maintenance / Supplies	511.71
Kemps-Gillette	Beverages	256.22
Kinder Morgan	Gas Service	15,328.77
Kriz-Davis Company	Electric Supplies	149.00
Lexington Animal Clinic	Animal Care	1,188.11
Lexington Area Solid Waste Agency	Landfill	696.60
Lexington Health Fund	Self-funding	34,656.79
Lexington Housing Authority	OOR Housing	778.75
Lexington Newspapers	Publications	312.62
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	57.61
Lexington Utilities System	Ethanol TIF to WWTP	24,850.38
Lexington, City of	Police Pension Fund Transfer	17,545.75
Lexington, City of	Franchise / Service Fees	46,080.07
Payroll	Wages	101,990.37
Social Security	Employer Portion / FICA Med	7,559.99

First National Bank	Employer Portion / Pension	3,170.55
First National Bank	Police Pension	1,533.11
ICMA	City Manager Pension	356.81
Linda's Stitches & Creations	Uniform Expense	86.38
Linweld	Oxygen Supplies	146.72
LTD Commodities	Office Supplies	136.24
Mead Lumber	WTP / Street / Water Supplies	653.62
Merchant JT&S	Electric Dept. / Training Manuel	500.00
Meridian Library System	Registration Fee	20.00
Michael Todd & Company, Inc.	Water Supplies	197.23
Mid-Nebraska Food Bank	Food	34.54
Mid-Nebraska Printing	Office Supplies	200.29
Municipal Supply	Water Supplies	84.18
Nebraska Law Enforcement	Certification Activation Fee	50.00
Nebraska Life	Subscription	19.00
Nebraska Public Power District	Power Purchase	551,527.18
Nebraska Public Power District	Transformer Repairs / Meter Test	2,246.55
Nebraska Waste Handlers	Sludge Removal	4,088.00
Nelson, Margie L.	Cleaning Service	500.00
Nelson, Thomas R.	Conference / Seminars	203.80
Newman Traffic Signs	Street Supplies	1,094.60
Office Depot	Library Supplies	103.31
Outdoor Recreation Products	Parks Supplies	251.00
Overton Sand & Gravel	Gravel	78.02
Paulsen, Inc.	Gravel	164.78
Peak Interest	Food	42.37
People Books	Books	39.90
Platinum Plus For Business	Conference / Seminars	14.16
Platte Valley Auto Mart	Service / Repair	118.91
Platte Valley Communications	Phone / Repairs / UPS System	818.70
Plum Creek Bank	Wesleyan Land Payment	42,268.44
Plum Creek Motors	Service	30.12
Randy Hood Salvage	Special Waste Expense	100.00
Recorded Books	Books	147.50
S & W Auto Parts, Inc.	Street Supplies	121.73
Santhana, Bouaphone	Ambulance Refund	12.14
Security First Bank	Wilkinson Dev. - TIF Payment	22,851.76
Service Master Mid Nebraska	Cleaning Service	742.50
Sign Pro	Signs	26.50
Smith, Terry	Conference / Seminars	783.20
T. O. Haas Tire Co., Inc.	Repair	18.00
Team Detail & Quicklube	Car Wash	20.00
Tep's Bar & Grill	Gift Certificates	625.00
TierOne-Lib. Petty Cash	Cash Drawer / Postage	81.08
Tri-County Hospital	Wellness / Supplies	487.00
U-Save Business Equipment	Office Supplies	91.12
Wal-Mart	Supplies	354.47
Wesco Distribution, Inc.	Electric Supplies	682.25
Willard Weinhold Law Office	Fees	1,515.00
AFLAC	Premium	950.36
Alamar Uniform Company	Uniform Expense	280.19
Alltel	Service	52.37
Anderson Graphics	Library Supplies	17.50
Barnes Distribution	Supplies	17.70
Cash-Wa Distributing	Food & Supplies	487.51
Coca Cola/Dr. Pepper of Kearney	Beverages	29.25
Dawson County Handibus	Transportation	42.00

Demco	Library Supplies	128.52
Ditch Witch of Nebraska, Inc.	Water / Piercing Tool	3,745.00
Ebsco Publishing	Book	59.95
Ferguson, Kyle	Electric Rebate	125.00
Gale Group, The	Book	21.42
HD Supply Waterworks	Water Supplies	58.87
Health Claims Fund	Claims	8,611.39
Kemps-Gillette	Beverages	114.57
Lexington Glass Company	Street / Replace Windows	477.94
Lexington Housing Authority	OOH Housing	342.00
Lexington Postmaster	Box Fees	364.00
Lexington, City of	Franchise / Service Fee	11.84
Mead Lumber	WWTP Supplies	37.24
Nebraska Amateur Softball Association	Bid Fees	210.00
Nebraska Department of Revenue	Sales & Use Tax	32,831.64
Nebraska Tech & Telecom, Inc.	Telephone Expense	1,388.26
Platinum Plus for Business	Food / Seminars	121.96
Plum Creek Market Place	Food	68.70
Plum Creek Medical Group	Flu Shots	1,972.00
Precision Industries	WWTP Supplies	17.71
Random House, Inc.	Books	85.00
T. L. Sund Constructors, Inc.	Boring	680.00
T. O. Haas Tire Company, Inc.	Repair	12.79
Thomson Healthcare	Books	114.85
TierOne-City Petty Cash	Uniform Exp/Fuel/Postage/Food	73.91
Total Backflow and Meter Resources, Inc.	Training / Registration Fee	550.00
U-Save Business Equipment	Supplies	62.49
Wal-Mart	Supplies	69.97
Wesco Distribution, Inc.	Water Supplies	999.59
ADDED PAY ESTIMATES		
Eriksen Construction Company, Inc.	WWTP/UV Disinfection Facility	104,030.00
	GRAND TOTAL:	1,561,512.87

**SPECIAL USE PERMIT:**

Pepplicht explained this item was tabled from the previous meeting so that Clinton Witt would be able to obtain legal counsel regarding the amendment to the special use permit. Mr. Witt indicated the amendment was agreeable and he is willing to sign it if approved by the Council. Following discussion, moved by Miller, seconded by Bennett, to approve special use permit request by Clinton and Deb Witt to locate a mobile home for private use at Grandma's Campground. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION OF SUPPORT:**

LexAnn Roach of Project Extra Mile requested a Resolution of Support from the Council in regards to reclassifying alcopops as distilled spirits at the state level. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution 06-27. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**WELCOME SIGN:**

Dennis Burnside, representing the Lexington members of the Dawson Area Development Leadership class, presented a Welcome Sign project to be completed by the group as part of the Leadership class. Following discussion, moved by Miller, seconded by Tomasek, to approve the DAD Leadership Class Lexington Welcome sign project. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**REPORT:** Jen Wolf, executive director of Dawson Area Development, presented a report on activities completed in 2006 and those planned for 2007.

**PAY REQUEST:** Peplitsch requested Council approval of Pay Request #6 (Final) for the Ultraviolet Disinfection Facility to Eriksen Construction Co. Inc. for \$104,030.00. Following discussion, moved by Tomasek, seconded by Salem, to approve Pay Request #6 to Eriksen Construction. Roll call. Voting "aye" were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

**CERTIFICATE OF FINAL COMPLETION:** Peplitsch requested Council consideration of Certificate of Final Completion for Municipal Wastewater Ultraviolet Disinfection Facility. Following discussion, moved by Miller, seconded by Bennett, to approve Certificate of Final Completion for Ultraviolet Disinfection Facility. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened the Public Hearing to consider the annexation of subdivisions. City Attorney Will Weinhold explained that the State requires a separate public hearing on a subdivision and an annexation of that subdivision. Following discussion, Mayor Fagot closed the Public Hearing.

**RESOLUTION:** Following the Public Hearing and discussion, moved by Salem, seconded by Miller, to approve Resolution No. 06-28 to annex Fertitta Addition to the City of Lexington. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**RESOLUTION NO. 06-28  
FERTITTA ADDITION**

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

That FERTITTA ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST:  
Pamela Berke  
Deputy City Clerk

**RESOLUTION:** Following the Public Hearing and discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 06-29 to annex Lexington Industrial Addition to the City of Lexington. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

**RESOLUTION NO. 06-29  
LEXINGTON INDUSTRIAL ADDITION**

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

That LEXINGTON INDUSTRIAL ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST:  
Pamela Berke  
Deputy City Clerk

**RESOLUTION:**

Following the Public Hearing and discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 06-30 to annex Lantis First Addition to the City of Lexington. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**RESOLUTION NO. 06-30  
LANTIS FIRST ADDITION**

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

That LANTIS FIRST ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST: Pamela Berke  
Deputy City Clerk

**RESOLUTION:**

Following the Public Hearing and discussion, moved by Bennett, seconded by Tomasek, to approve Resolution No. 06-31 to annex Parkview Addition to the City of Lexington. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**RESOLUTION NO. 06-31  
PARKVIEW ADDITION**

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

That PARKVIEW ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST: Pamela Berke  
Deputy City Clerk

**RESOLUTION:**

Following the Public Hearing and discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 06-32 to annex Backyard Addition Subdivision. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

**RESOLUTION NO. 06-32  
BACKYARD ADDITION SUBDIVISION**

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

That BACKYARD ADDITION SUBDIVISION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST: Pamela Berke  
Deputy City Clerk

**RESOLUTION:**

Following the Public Hearing and discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 06-33 to annex Lexington Industrial 2<sup>nd</sup> Addition to the City of Lexington. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**RESOLUTION NO. 06-33  
LEXINGTON INDUSTRIAL 2ND ADDITION**

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

That LEXINGTON INDUSTRIAL 2ND ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST: Pamela Berke  
Deputy City Clerk

**RESOLUTION:**

Following the Public Hearing and discussion, moved by Bennett, seconded by Salem, to approve Resolution No. 06-34 to annex Northwest Second Addition to the City of Lexington. Roll call. Voting "aye" were Miller, Tomasek, Salem, Bennett, Fagot. Motion carried.

**RESOLUTION NO. 06-34  
NORTHWEST SECOND ADDITION**

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

That NORTHWEST SECOND ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST: Pamela Berke  
Deputy City Clerk

**RESOLUTION:**

Following the Public Hearing and discussion, moved by Tomasek, seconded by Salem, to approve Resolution No. 06-35 to annex Wesleyan Addition to the City of Lexington. Roll call. Voting "aye" were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

**RESOLUTION NO. 06-35  
WESLEYAN ADDITION**



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

That WESLEYAN ADDITION, to the City of Lexington, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED December 12, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot  
President of the Council

ATTEST: Pamela Berke  
Deputy City Clerk

**MEETING DATES:** Following discussion, the next council meeting will remain at 7:30 p.m. on December 26, 2006. A planning session will be scheduled for Saturday, January 13, 2007, at 8 a.m.

**ROUNDTABLE:** Peplitsch reported that with the election of John Wightman to the Nebraska Legislature, a representative to the Dawson Area Development Executive Board from Lexington will need to be made.

Peplitsch noted that a summary of the Electric Operation & Maintenance proposals has been given to each member of the Council and the issue will likely be an agenda item for the next Council meeting.

Peplitsch reported on proposed renovation of the Council Chambers and the plans for a paperless format for future meetings. Following discussion, moved Miller, seconded by Salem, to authorize Staff to proceed with Council chamber renovations. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

Weinhold requested to be excused from the Council meeting on December 26, 2006.

Miller reported that she'd received a call regarding the solicitation of community information for the City Directory. It was stated that this is done by a private company and not solicited by City staff.

**ADJOURNMENT:** There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
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.

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Deputy City Clerk