

**CITY COUNCIL  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 11, 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 Mayor Ted Cook, Joni Bennett, John Fagot, Linda Miller, and Steve Tomasek. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Willard Weinhold and Deputy City Clerk Shirley Lewis. Department Head present was Barb Mills.

**NOTICE:** Notice of the meeting was given in advance, thereof by posting in five public places, a designated method for giving notice, as shown by the Affidavit of Posting 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. The Mayor 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 – PLANNING SESSION – 06-24-06:** Minutes of the Council Planning Session scheduled for Saturday, June 24, 2006 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Miller, to approve the Minutes of the Council Planning Session held Saturday, June 24, 2006 as presented. Roll call. Voting “aye” were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**MINUTES – REGULAR MEETING – 06-27-06:** Minutes of the Regular Meeting scheduled for Tuesday, June 27, 2006 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Miller, to approve the Minutes of the Regular Meeting held Tuesday, June 27, 2006 as presented. Roll call. Voting “aye” were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,230,525.48 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$226,519.66 from the General Fund, \$9,542.50 from Ed Reuse, \$945,442.57 from LEXUS, \$10,000.00 from Sanitation, \$3,844.00 from Landfill, \$5,792.92 from Ambulance Fund, \$19,744.77 from Health Fund, \$9,659.06 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
July 11, 2006

All Points Cooperative	Fuel / Supplies	619.83
Alltel	Cellphone Service	92.19

Awards Unlimited	Recreation Supplies	96.08
Axis Capital, Inc.	Mail Machine Payment	455.85
B & D Office City	Office Supplies	217.50
Better Homes And Gardens	Book	30.91
Card Center/Orscheln	Supplies	51.28
Case Credit Advantage	Supplies / Repair	149.71
Cash-Wa Distributing	Food & Supplies	2,906.05
Centaur Enterprises, Inc.	Water Dept. Supplies	211.21
Central Garage Fund	Maint. / Repairs / Fuel	11,723.78
Coca Cola/Dr. Pepper of Kearney	Beverages	2,013.00
Corporate Benefit Svcs of America	Premium	17,747.36
Culligan Water Conditioning, Co.	Soft Water Supplies	178.98
Dan's Sanitation	Sanitation Fees	11,301.76
Davis Energy, Inc.	Fuel	83.76
Dawson County Clerk	Dispatch Fees	6,804.08
Dawson County Register of Deeds	Filing Fees	40.50
Dawson Pest Control	Building Maintenance	27.00
Delight Donuts	Food	39.60
Eakes Office Products	Office Supplies	299.52
Fairbanks International, Inc.	WWTP / Used Disk	2,900.00
Fox Bros. Hay Co., Inc.	Tree Grinding	2,541.64
Galls, Inc.	Uniform Expense	75.70
Graphic Arts Shop	Police Dept. Supplies	856.59
Hach Company	WWTP Supplies	182.20
Health Claims Fund	Claims	12,859.93
Hipp Wholesale Foods, Inc.	Food & Supplies	785.35
Holmes Plumbing & Htg Supply	Water Supplies	638.09
Hometown Leasing	Copier Lease	472.46
Husker Ag Sales	Park Supplies	19.40
Ingram Library Services	Books	197.13
Jones Plumbing & Heating	Maintenance / Supplies	1,231.07
Kemps-Gillette	Beverages	42.80
Kinder Morgan	Gas Service	5,296.25
Kriz-Davis Company	Electric Supplies / Transformer	7,387.21
Lexington Animal Clinic	Animal Care	1,121.90
Lexington Health Fund	Self-funding	31,594.98
Lexington Newspapers, Inc.	Publications	159.48
Lexington Postmaster	Postage	150.00
Lexington, City of	Franchise / Service Fees	37,838.58
Payroll	Wages	9,288.23
Social Security	Employer Port/FICA Med	124,051.82
First National Bank	Employer Port/Pension	3,384.67
First National Bank	Police Pension	1,366.76
ICMA	City Manager Pension	354.50
Lien Lawn Services	Lawn Care	930.00
Linweld	Oxygen	87.76
Mac's Short Stop	Food	548.62
Mead/Big Valley Lumber	Park / Cemetery Supplies	577.46
Mid-Nebraska Printing	Office Supplies	10.18
Miller & Associates	20th St. Water Main Imp	255.10
Mills, Barbara	Conference / Supplies	77.23
National Waterworks	Water Dept. Supplies	2,037.90
Nebraska Amateur Softball Assoc	Tournament Entry Fees	3,920.00
Nebraska Public Power District	Power Purchase	748,034.14
Nebraska Waste Handlers	Sludge Removal	10,628.80

Nelson, Margie L.	Cleaning Service	500.00
Oxmoor House	Book	32.91
Paulsen, Inc.	Concrete / White Rock	953.58
Platinum Plus For Business	Water Dept. Supplies	35.10
Platte Valley Communications	Maintenance / Repairs	329.75
Plum Creek Cleaners	Supplies	5.50
Plum Creek Promotions	Rec Supplies / T-Shirts	4,248.49
Precision Sprinklers	Sprinkler Repair	22.99
Progressive Business Publications	Subscription	230.00
QPR (United States)	Street Supplies	639.19
Random House, Inc.	Book	76.50
Sav A Lot Discount Foods	Food	154.31
Schwan's Sales Ent	Food	99.04
Sign Pro	Sign	135.00
Sporting Edge, The	Pool Supplies	58.00
T. O. Haas Tire Co., Inc.	Tire Repair	13.00
Team Detail & Quicklube	Car / Interior Cleaning	69.95
TierOne-Lib. Petty Cash	Petty Cash/Postage	7.59
Total Lawn Care	Lawn Care	2,445.00
Tri-City Tribune	Publications	211.00
Tri-County Hospital	Wellness / Service	598.00
TSM Cleaning / Sophie Sarratt	Cleaning Service	832.00
U-Save Business Equipment	Office Supplies	44.70
Unique Books, Inc.	Books	700.21
Vic's Corn Popper	Food	90.00
Wal-Mart	Supplies	389.63
Wall Street Journal, The	Subscription	215.00
Wesco Distribution, Inc.	Electric Supplies	410.88
Willard Weinhold Law Office	Fees	1,291.50
Alltel	Cellphone Service	52.25
American Cancer Society	St. Softball Tournament / Support Personnel	587.56
Anderson Graphics	Library Supplies	78.75
Awards Plus	Recreation Supplies	140.50
Awards Unlimited	Recreation Supplies	344.40
Beringer Ciaccio Dennell Mabrey	Architect / GGC	7,065.80
Bliven Construction	Ball Field Improvements	4,733.81
Card Center/Orscheln	Supplies	691.22
Cash-Wa Distributing	Food	1,715.81
Central Garage Fund	Maint. / Repairs	4,608.73
Coca Cola/Dr. Pepper of Kearney	Beverages	90.00
Dawson Area Development	CDBG-CEL/Orthman Mfg. - Industry Appreciation	6,369.00
Dawson County Handibus	Transportation	38.00
Dawson Co Public Power Dist.	Power Purchase	274.38
Dawson County Treasurer	Two 2006 Trucks Title/Tax	1,906.61
Davis Energy, Inc.	Fuel & Supplies	5,388.82
Eakes Office Plus	Office Supplies	82.96
Eilers Machine & Welding	Supplies / Repair	265.20
EMS Billing Service, Inc.	Ambulance Fees	1,915.82
Fagot Refrigeration & Electric	Service / Repairs	184.15
Farmer Brothers Coffee	Food	74.16
Fisher Scientific	WWTP Supplies	137.39
Gengenbach, Kevin	Rental	330.00
Great Plains One-Call Service	Locates	131.41

Hach Company	WWTP Supplies	133.00
Health Claims Fund	Claims	6,884.84
Hillside Farms, Inc.	Park Supplies	400.00
Hipp Wholesale Foods, Inc.	Food & Supplies	256.31
Husker Ag Sales	Central Garage Supplies	54.70
Ingram Library Services	Books	41.27
Jim Phillips Const.	Street Repair	830.00
Kemps-Gillette	Food	214.63
Knapp Electric	Repair	91.75
Lex Area Solid Waste Agency	Landfill	1,577.52
Lexington Girls Fast Pitch Assoc	St. Softball Tournament / Support Personnel	674.90
Lexington Newspapers, Inc.	Publications	232.08
Lexington Truck & Auto	Tires	400.00
Lexington Volunteer Fire Dept.	Ambulance Fees	2,943.47
Mead/Big Valley Lumber	Supplies	17.43
Mead Rental Center	Supplies	39.92
Mid-State Engineering & Testing	Landfill Evaluation	3,844.00
Miller & Associates	Professional Svc/GGC	2,500.00
Moore Medical Corp.	Ambulance Supplies	352.32
Mr. Automotive	Central Garage Supplies	12.96
N C B O & I	Conference	50.00
Naumann, Sondra	Cleaning Service	48.00
Nebraska Amateur Softball Assoc	Tournament Entry Fees	4,245.00
Nebraska Dept of Economic Dev	Orthman's CDBG Loan Payment	4,042.50
Nebraska Department of Labor	Unemployment	1,682.50
Nebraska Department of Revenue	Sales & Use Tax	42,510.99
Nebraska Power Review Board	Annual Fees	804.68
Nebraskaland Tire	Central Garage Supplies	51.95
Nebraska Machinery	Central Garage Supplies	562.24
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,493.15
Nebraska Vol Fire Fighters Trust	Premium	2,014.00
Platinum Plus For Business	Supplies	20.05
Platte Valley Communications	Supplies	40.00
Plum Creek Auto Spa	Car Wash	22.00
Plum Creek Motors	2006 Chev Truck / Elect. Dept. / Supplies	13,636.76
Plum Creek Promotions	Rec Supplies / T-Shirts	2,714.44
Pony Express Chev/Buick/Olds	2006 Chev Truck/ Water Dept.	13,426.74
Precision Sprinklers	Sprinkler Repair	45.25
Rockmount Research & Alloys	Central Garage Supplies	800.31
S & W Auto Parts, Inc.	Central Garage Supplies	611.95
Service Master Mid Nebraska	Carpet Cleaning	65.00
Steinbrink Landscaping & Greenhouses	Street Supplies	185.79
T. O. Haas Tire Co., Inc.	Tire Repair	134.88
TierOne-City Petty Cash	Petty Cash / Misc. Exp	138.10
TierOne-Library Petty Cash	Postage	7.42
Wal-Mart	Supplies	64.58
Wesco Distribution, Inc.	Water Dept. Supplies	566.67
	TOTAL:	1,230,525.48

**PUBLIC COMMENT**

August Daake expressed his concern regarding a water drainage in the

**PERIOD:** area of his business on Vine Street. Peplitsch informed Council that Staff is working on the issue.

**ORDINANCE:** Peplitsch requested Council's approval of an Ordinance on second reading directing the sale of property located at 209 South Adams Street. Following discussion, an Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF THE NORTH ONE - HALF OF THE EAST 150 FEET OF THE SOUTH ONE -HALF OF BLOCK 3, C.L. ERVIN'S SUBDIVISION, IN THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before Council. Moved by Tomasek, seconded by Fagot, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Miller, Bennett, Fagot, Tomasek, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Miller to approve Ordinance No. 2214 on Final Reading. Roll cal l. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

**ORDINANCE:** Peplitsch requested Council's approval of an Ordinance on second reading directing the sale of property located at 607 N. Adams Street. Following discussion, an Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF LOT 4 OF THE REPLAT OF THE WEST ONE-HALF AND THE EAST ONE-HALF OF BLOCK 16 MACCOLL'S ADDITION TO PLUM CREEK NOW CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before Council. Moved by Tomasek, seconded by Bennett, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Miller, to approve Ordinance No. 2215 on Final Reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

**PUBLIC HEARING:** Mayor Cook opened the Public Hearing. Dale Mooberry, representing Eagles Frat Order 2922, located at 113 W. 5<sup>th</sup> Street, requested Council's approval of a Manager Application. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Tomasek, to recommend approval of a Manager Application for Dale Mooberry in connection with a Class I Liquor License for Eagles Frat Order 2922. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

**SUBDIVISION:** Bill Stewart requested Council's approval of a Final Plat of the proposed W.A.S. Subdivision, located at 2703 N. Adams Street. Following discussion, moved by Fagot, seconded by Tomasek, to approve Resolution No. 06-14, approving Final Plat of the W.A.S. Subdivision. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

W.A.S. SUBDIVISION

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

The plat of W.A.S. SUBDIVISION, being a part of the Southeast Quarter of Section 30, Township 10 North, Range 21 West of the 6<sup>th</sup> P.M., Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED July 11, 2006.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Joe Peplitsch  
City Clerk

**SMOKING:**

Discussion was held in regard to placing a smoking prohibition ordinance on the November general election ballot. Buck Teply expressed his concern regarding a smoking prohibition initiated by the City Council. Following discussion, moved by Cook, seconded by Tomasek, to hold a Public Forum to receive community input on a draft ordinance, on Tuesday, July 25, 2006, at 5:30 p.m. in the City Council Chambers. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**NCIP:**

Peplitsch requested Council's approval of a resolution approving participation in NCIP for 2006. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No: 06 -15. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

RESOLUTION NO: 06-15

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the City Council of the City of Lexington, Nebraska do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

NOW, THEREFORE BE IT RESOLVED, that the City of Lexington urges its citizens to join this effort and hereby declares this City to be an official entrant in the NCIP for the year of 2006.

PASSED AND APPROVED THIS 11<sup>TH</sup> DAY OF JULY, 2006.

Ted Cook  
Chief Elected Official

ATTEST:

Shirley Lewis  
Deputy City Clerk

**SKATE PARK  
CONSTRUCTION:**

Peplitsch requested Council's approval for skate park construction in Arbor Park. Following discussion, moved by Fagot, seconded by Miller, to allow Staff to move forward on the skate park project. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

**ONE- AND SIX-YEAR  
STREET IMPROVEMENT  
PLAN:**

Peplitsch requested Council's approval of a Resolution amending the City's 2006 One- and Six-Year Street Improvement Plan. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No: 06-16. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO: 06-16

BE IT RESOLVED by the City Council of Lexington, Nebraska that the One- and Six-Year Street Improvement Program is hereby amended by said Mayor and City Council. The Lexington City Council attests that Notice of Plan Amendment was posted in the following five public places:

City Municipal Building  
Dawson County Courthouse  
Plum Creek Bank  
United Nebraska Bank  
Pinnacle Bank

The project is amended to add the following project to the One Year Plan, to allow for construction within the one-year plan period: Project M383(65A) South Jefferson Street included 30' width concrete paving from a point 400' south of Commerce Road to a point 900' south of Commerce Road. The project schedule was modified to provide semi-truck access to an industry expansion.

Passed and approved this 11<sup>th</sup> day of July, 2006.

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**ROUNDTABLE  
DISCUSSION:**

Pepplitsch informed the Council of a request by U.S. Cellular to utilize the water tower located at Madison and Highway 30 for installation of phone service equipment. Following discussion, the Council declined to make this a future agenda item.

Pepplitsch reviewed requirements of the new open meeting laws with the Council, which become effective July 14, 2006.

Tomasek publicly thanked Ann Luther, Glenn Hawks, Doug Monter, Sam Tinglehoff, Staff, and volunteers involved for the great job everyone has done during the recent state softball tournaments. Everyone was to be commended on a job well done.

Bennett thanked everyone for attending the Goodwill Industries groundbreaking ceremony. Turnout was good, and best wishes were given to the business.

**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.

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Deputy City Clerk