

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held, Tuesday, October 22, 2002, 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 John Fagot, Ted Cook, Rick Klamm, John Salem, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Charlie Clark, and 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 Fagot.

**MINUTES – REGULAR MEETING – 10-22-02:** Minutes of the Regular Meeting that was held Tuesday, October 8, 2002 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Klamm, to approve the Minutes of the Regular Meeting held Tuesday, October 8, 2002 as presented. Roll call. Voting “aye” were Cook, Salem, Klamm, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$233,318.67 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Cook, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$86,752.07 from the General Fund, \$102,839.68 from LEXUS, \$21,262.69 from City Sanitation, \$12,962.63 from Health Fund, \$9,501.60 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
OCTOBER 22, 2002 COUNCIL

A.Y. McDonald	Curb Box	404.14
Alltel	Cellular Charges	72.61
American Library Association	Dues	160.00
American Water Works Assoc	AWWA Membership	255.00
Ameritus Investment Corp	Bond Services	698.77
Baird, Holm, McEachen, Pedersen	Services	7,005.00
Barco Municipal Products	Boots	96.34
Berntson Oil	Fuel	3,421.01
Bischoff, John	Reimb Boots	73.82
C.B.S.A	Employee Medical	11,826.41

Cash-Wa Distributing	Food & Supplies	1,948.50
Central Fire & Safety Inc	Exting/Service/Inspec	2,934.00
Central Garage Fund	Labor/Parts	3,875.90
Century Laboratories Inc	Deodorizers	166.57
Chavez, Armando	Weed Clean Up	60.00
Child's World, The	Books	580.30
Compass Point Books	Books	126.78
Computer Management Svcs, Inc	Registration Fee	30.00
Cook, Charles	Utility Overpymt	39.05
Dawson County Clerk	Dispatch Fees:Oct Bal	250.18
Dawson County Public Power	Line Markers	332.28
Demco	Library Supplies	66.77
EDM Equipment Co	Window	266.04
Eilers Machine & Welding	Part	8.00
Experience Works	GGC Contribution	520.00
Fagot Refrigeration & Electric	Repairs	183.00
Farmer Brothers Coffee	Coffee	47.67
Farwest Line Specialties	Supplies	273.61
Fed Ex	Mail Service	39.32
Fisher Scientific	Chemicals	349.74
Follett Software Co	Supplies	480.00
Fransyl Equipment Co	Repair to Units	2,306.44
Gary's Detail Shop	Washes	40.00
Gempler's Inc	Hats	291.50
General Binding Corp	Laminate	84.75
Gillette/Nebraska Dairies	Dairy	337.78
H.W. Wilson Company	Renewals	456.00
Hach Co	Supplies	1,253.30
Hall's Safety Equipment	Tool Pouch	33.65
Heinemann Library	Books	80.62
Helvey, Adelaide	Reimb Overpymt:Utilities	76.70
Hipp Wholesale Foods, Inc	Food & Supplies	1,362.56
Ingram Library Svc	Library Books	139.27
Jerry's Sport Center Inc	Supplies:Police	222.80
Jilka, Sam	Reimb for Landscape:Pool	130.00
Kinder Morgan	Gas: Central Garage	10.43
Knapp Electric	Repair Sump Pump	611.63
Kohl, Neil	Rebate	1,025.00
Kriz-Davis Co	Insulator and Brace	1,864.85
Laawson Products	Hardware Supplies	233.12
Lamphear, Clayton	Rebate	1,025.00
League of Nebraska Municipalities	Ann. Conf: Salem	94.01
Lerner Publishing	Books	179.10
Lexington Newspapers	Publications	309.27
Lexington Public Library	Replenish Petty Cash	17.90
Lexington Public Schools	Workshop	45.00
Lexington Truck and Auto	Part	10.00
Lexington True Value	Misc Supplies	75.49
Lincoln Tent Inc	Repairs	51.36
Luther, Ann	Mileage/Meals	103.39
Lexington City Payroll Account	Wages	77,355.69
Social Security	Employer Port/FICA Med	5,828.04
First National Bank	Employer Portion/Pension	2,622.96
First National Bank	Police Pension	1,023.79
ICMA	Pepplitsch Pension	215.38

Mead/Big Valley Lumber	Misc Supplies	6.99
Mendoza, Gloria Roza	Rebate	700.00
Mid-Nebraska Food Bank	Food & Supplies	41.98
Mid-Nebraska Printing	Paper	25.49
Mid-States Units	Park Units	570.00
MPH Industries Inc	Radar: Police	913.00
National Recreation	Dues	160.00
Nebraska Law Enforcement	TABE Tests	15.00
Nebraska Life	Subscription	17.00
Nebraska Machinery	Hoses	120.15
Nebraska Salt & Grain CO	Ice Control	752.12
Nebraska Truck & Equipment Co	Repairs	1,215.83
Neopost	Postage	1,500.00
NT&T	Telephone Svc	1,209.27
Overhead Door Co	Repairs	171.50
Paper Direct	Stationery	59.97
Patty's Hallmark	Office Supplies	1,851.34
Paulsen Inc	Concrete/Gravel	170.31
Paulsen, Lawrence	Rebate	125.00
Peak Interest	Civil Svc Mtg	25.33
Pinnacle Agency, The	Add Ins	103.00
Platte Valley Auto	Part	34.46
Platte Valley Communications	Radio Repair	321.00
Plum Creek Motors	Parts	200.00
Precision PC	Computer Service	510.00
Price's Tree Service	Tree Removal	250.00
Quill Corp	Office Supplies	82.87
Razo, Manuel	Weed Clean Up	60.00
Roper's Radiator Service	Repairs	370.00
S&W Auto Parts	Parts	857.22
Savalot Discount Foods	Food & Supplies	77.46
Signal Equipment Co	Timer Repairs	170.92
Spectrum Entertainment	Books	96.00
Subway of Lexington	Dept Hd Mtg	38.42
Sunmart	Grocery	40.88
T.L. Sund Contractors	Materials for Car Wash	314.50
T.O. Haas Tire Co	Repairs	394.52
Telegraph	Subscription	121.00
US Filter	Connectors	335.87
Utility Equipment	3/4 Mueller	1,624.69
Wal-Mart	Misc Supplies	143.85
Wearguard	Uniform Exp	144.45
Wesco Distribution	Electric Supplies	625.95
All Points Cooperative	Washes/Kerosene	25.75
Alltel	Cellular Charges	142.84
American Public Works Assn	Membership	225.00
C.B.S.A	Employee Medical Claims	148.46
Cash-Wa Distributing	Food & Supplies	856.85
Conney Safety Products	Safety Supplies	183.38
Corrpro Waterworks	Svc Contract Renewal	1,177.00
Dan's Sanitation	Sanitation Svc	21,262.69
Fisher Scientific	Testing supplies	40.60
Gillette/Nebraska Dairies	Dairy	63.76
Hach Co	Testing Supplies	203.50
Hipp Wholesale Food, Inc.	Food & Supplies	630.77
Insurance & Personnel Services	Employee 125 Acct	987.76

Lexington Rec Program	Youth Basketball Instr	1,000.00
Lexington, City of	Franchise Fees	30,003.19
Lexus	Utility Services	18,476.47
Meridian Library System	Registration	24.00
Mid-Nebraska Printing	Labels	40.78
Miller and Associates	WW Sldg Ann Rpt 2001	942.50
Mills, Barbara	Conf Exp	60.00
NE Dept of HHS Laboratory	Samples and Analysis	178.00
Nebraska Machinery	Hoses(bal from above)	0.40
Newman Traffic Signs	Signs	23.00
Overton Community Center	Rent	100.00
Patty's Hallmark	Office Supplies	61.72
Pepplitsch, Joe	Mileage/Exp	187.16
Petty Cash Fund	Replenish Petty Cash	68.55
Pinnacle Agency, The	Add Vehicle Ins	415.00
Platinum Plus for Business	Awards	84.95
Platinum Plus for Business	Conf Exp: Seward/Jensen	240.65
Platinum Plus for Business	EL/WWTP Supplies	253.26
Service Master Mid Nebraska	Admin Ofc Carpet Clng	48.00
SunMart	Grocery	19.95
Superior Signals	Parts	135.20
Wesco	EL Supplies	2,332.60
Southwest Rec Industries, Inc	Plm Crk/Mem Pk Tns Crts	25,375.22
	GRAND TOTAL:	258,693.89

**PUBLIC COMMENT PERIOD:**

John Wightman addressed the City Council requesting that the newly constructed tennis courts at Plum Creek and Memorial Park, be named after Mary Maloley, who has contributed greatly to the sport of Tennis in the City of Lexington. City Council informed Mr. Wightman that it will be considered.

**WAIVER OF OBJECTION:**

Pepplitsch addressed the City Council requesting their approval of a Waiver of Objection on a Lot Split located at 75761 Road 435, Lexington, Nebraska. Following discussion, moved by Cook, seconded by Salem, to approve the Waiver of Objection on a Lot Split located at 75761 Road 435, Lexington, Nebraska. Roll call. Voting "aye" were Klamm, Tomasek, Salem, Cook, Fagot. Motion carried.

**PAY REQUEST:**

Pepplitsch addressed the City Council requesting their approval of Pay Request No. 2 to Southwest Recreational Industries Inc., for the Tennis Court Project at Plum Creek and Memorial Parks. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 2 to Southwest Recreational Industries Inc., for Tennis Court Project in the amount of \$25,375.22. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION:**

Mayor Fagot introduced a Resolution that would call for a Special Election on a Bond Issue for the Lexington Public Library. Those speaking in favor of having a Special Election was Library Board President Linda Miller, John Wightman, and Wes Lubberstedt. There were no citizens in attendance to speak against the issue. Following discussion, moved by Klamm, seconded by Tomasek, to approve the following Resolution that would call for a Special Election on a Bond

Issue for the Lexington Public Library. Roll call. Those voting “aye” were Cook, Tomasek, Klamm, Fagot. Voting “nay” was Salem. Motion carried.

#### RESOLUTION 02-21

**BE IT RESOLVED** by the Mayor and City Council of the City of Lexington in the State of Nebraska, as follows:

1. The Mayor and City Council of the City of Lexington, State of Nebraska (the “City”) find and determine that it is advisable to submit to the electors of the City a proposition for issuing bonds of the City in the amount of not to exceed One Million Five Hundred Twenty-Five Thousand Dollars (\$1,525,000) to pay the costs of construction, equipping and furnishing of a public library facility in the City of Lexington, and for the levy of a tax based on the valuation of all taxable property in the City for the purpose of paying principal, interest, and premium, if any, on the bonds as they become due and payable.

2. A special election is hereby called and will be held in the City of Lexington, Nebraska, on the 28<sup>th</sup> day of January, 2003, at which special election there shall be submitted to the qualified electors of said City the following proposition:

“Shall the City of Lexington, in the State of Nebraska, issue its negotiable bonds in the principal amount of not to exceed One Million Five Hundred Twenty-Five Thousand Dollars (\$1,525,000) for the purpose of paying costs of construction, equipping and furnishing of a public library facility to be located in the City of Lexington, said bonds to be dated and become due on such date or dates as may be determined by the Mayor and City Council at the time of their issuance and to bear interest at such rate or rates as shall be determined by the Mayor and City Council;” and

“Shall the City of Lexington, in the State of Nebraska, levy and collect annually, as long as any of said bonds are outstanding, a tax upon all of the taxable property in said City sufficient in rate and amount to pay the principal, premium, if any, and interest on said bonds as the same become due and payable?”

The ballots to be voted upon and cast at said election shall have printed thereon the foregoing proposition, followed by the words: “FOR said bonds and tax” and “AGAINST said bonds and tax” following said proposition.

Qualified electors voting in favor of the proposition shall blacken the oval opposite the words “FOR said bonds and tax” following said proposition, and qualified electors voting against said proposition shall blacken the oval opposite the words “AGAINST said bonds and tax” following said proposition.

3. The City Clerk is hereby directed to cause notice of said election to be given by publication three successive weeks prior to said election in the *Clipper-Herald*, a legal newspaper printed and of general circulation in the City of Lexington.

4. The City Clerk is hereby authorized to certify said proposition to the County Clerk of Dawson County, Nebraska for submission at said special election. Said County Clerk shall conduct the election as provided by law. The City hereby agrees to reimburse said County Clerk for the expenses of conducting said election.

5. The form of notice to be published and the form of ballot to be submitted to the County Clerk for use at said special election are hereby approved as presented to the Mayor and Council and a copy of said form of notice and form of ballot are hereby ordered attached to these minutes and made a part of this resolution. The City Clerk is hereby authorized and directed in conjunction with the County Clerk conducting the election, to arrange for the printing of the necessary ballots and publication of the sample ballot and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City as above provided.

6. This Resolution is effective from and after its passage as provided by law.

PASSED AND APPROVED this 22<sup>nd</sup> day of October, 2002.

John Fagot, Mayor

Ted Cook, Councilman

Rick Klamm, Councilman

John Salem, Councilman

Steve Tomasek, Councilman

ATTEST:

Shirley Lewis  
Deputy City Clerk

**PURCHASE AGREEMENT:**

Peplitsch addressed the City Council requesting their approval of a Purchase Agreement associated with the Lexington Public Library Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Purchase Agreement on property owned by Richter Properties, Inc., in the amount of \$150,000.00, for the Public Library Project, which is contingent upon voter approval of a Bond Issue for construction of a Public Library, and authorize execution of said Purchase Agreement. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**FINANCIAL REPORT:**

Peplitsch addressed the City Council requesting their approval of the Financial Report for September, 2002. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for September, 2002. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**ADJOURNMENT:**

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

John Fagot  
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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Lexington Deputy City Clerk