

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 27, 2002, 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 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 Barb Mills, and Charlie Clark.

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 Acknowledgement 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 – 8-13-02: Minutes of the Regular Meeting that was held Tuesday, August 13, 2002, was presented for Council’s consideration and approval. Moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held Tuesday, August 13, 2002 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 8-21-02: Minutes of the Special Budget Work Session that was held Wednesday, August 21, 2002, was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Special Budget Work Session held Wednesday, August 21, 2002 as presented. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$586,803.61 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$226,146.39 from the General Fund, \$314,494.36 from LEXUS, \$20,826.43 from City Sanitation, \$2,156.91 from Landfill, \$16,562.90 from Health Fund, \$6,616.62 from Meals on Wheels, to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
AUGUST 27, 2002 COUNCIL

All Points Cooperative	Propane	10.40
Alltel	Cell Svc/Phone/Battery	139.60
Arias, Jose	Electric Rebate	700.00

Associated Supply Co	Parts	37.56
Barco Municipal	Supplies	350.44
Berntson Oil	Fuel	2,685.30
Buller Fixture Co	Parts	9.69
C.B.S.A	Employee Medical	15,998.60
Card Center/Orscheln's	Supply Charges	561.82
Cash-Wa Distributing	Food/Supplies/Concessions	959.28
Celis, Josefy	Electric Rebate	700.00
Central Garage	Repairs	3,487.61
Coca Cola/Dr Pepper of Kearney	Concessions	18.60
Community Redevelopment Auth.	TIF:Wilkinson	9,320.43
Crescent Electric Supply Co	Seals	997.96
Dawson County Road Dept	Posts	92.64
Dawson County Weed Control	Chemicals	55.00
Depository Trust Co.	1997A Utl Bond Prin & Int	237,552.50
Dick Epperly	Supplies	119.00
Dugan Business Forms	Red Tags	319.08
Eakes Office Supplies	Supplies	194.61
Electric Fixture	Electric Supplies	579.16
Farmer Brothers Coffee	Coffee	47.67
Gillette Dairy	Dairy	207.30
Hipp Wholesale Foods, Inc	Food & Supplies	385.49
Holiday Inn at Sidney, NE	Conference	131.98
Ideals	Subscription	24.32
Ingram Library Svc	Library Books	115.29
Investment Property Exchange	Pro Fees:Viaduct	4,850.00
Kriz-Davis Company	Parts	180.31
Lexington Area Arts Council	Membership	1,000.00
Lexington Newspapers	Publications	334.16
Lexington Postmaster	Ann. Permit: GGC	150.00
Lexington Public Library	Petty Cash	19.55
Lexington Truck & Auto	Supplies	60.00
Lexington True Value	Parts	5.92
Lexington City Payroll Account	Wages	88,676.18
Social Security	Employer Portion/FICA Med	6,696.73
First National Bank	Employer Portion/Pension	2,591.20
First National Bank	Police Pension	1,025.56
ICMA	Peplitsch Pension	250.38
Mac's Short Stop	Concessions	8.72
Matt Friend Truck Equipment	Cables	116.81
McCrometer Inc	Meter Head	1,046.48
Mead Rental Center	Blades	21.54
Mead/Big Valley Lumber	Supplies	56.78
Micro-Marketing	Books	31.69
Mid-States Units	Toilet Units	660.00
Milco Environmental Services Inc	Analysis Services:Landfill	2,156.91
Miller & Associates	Pro Fees:Viaduct	40,200.00
Montiel, Jose	Elect. Rebate	825.00
Municipal Supply	Supplies	1,768.46
NE Dept of HHS Laboratory	Water Tests	1,337.00
NE RPA (Recreation)	Annual Recreation Institute	150.00
NE RPA (Recreation)	Annual Recreation Membership	35.00
Nebraska Library Commission	OCLC Products	1,459.93
Neopost	Meter Postage	1,500.00
NLA/NEMA (Library)	Conference:Seward & Halmes	115.00
Noble Repairs	Mower Parts	30.35

OCLC (Online Comp.Lib. Cat.)	Library Services	369.50
Overton Community Center	Rent	100.00
Patty's Hallmark	Office Supplies	330.61
Paul A Otto Construction	Curb Grinding	180.00
Paulsen Inc	Concrete	376.42
Plum Creek Cleaners	Services	134.00
Recorded Books	Tapes	11.90
S&W Auto Parts	Resale Parts	700.10
Security First Bank	TIF:Wilkinson	22,851.76
Service Master/Mid Nebraska	Carpet Cleaning	48.00
Signal Equipment Co	Controller	108.42
Subway of Lexington	Meetings	68.45
Sunmart	Grocery	44.09
T.O. Haas Tire Co Inc	Tire Mounting/Disposal	135.82
U S Filter Distribution	Conversions and Cutters	1,055.18
Union Pacific Railroad	20 yr Lease:Cent Pk	1,500.00
Univar USA Inc	Pool Acid	397.25
Van Diest Supply Company	Mosquito Larvaecide	586.53
Wal-Mart	Misc Supplies	232.07
Wesco Distribution	Electric Supplies	79.88
Will Weinhold Trust Account	Land Acquisition	46,530.50
Arias, Jose	Elect Rebate Correction	-400.00
Berntson Oil	Fuel/Oil	33.06
C.B.S.A.	Employee Medical Claims/Credits	-423.46
Cash Wa Distributing	Food/Supplies/Concessions	703.73
Charter Communications	Monthly Service	114.90
Chief Supply	Fire Dept Gear	1,977.10
Dan's Sanitation	Sanitation Svc	20,826.43
Dawson County Court	Court Costs:Police Case Fees	29.00
Diamond Vogel Paint	Field Paint	256.20
Electric Fixture	Elect Supplies	239.74
Fisher Scientific	Blower and Testing Bottle	268.15
Gateway Companies Inc	Computers	6,060.00
Gempler's Inc	Uniform Expense:Street	90.40
Gillette Dairy	Dairy:GGC	45.78
Hipp Wholesale Foods Inc	Food & Supplies	371.42
H-T-M Sales Inc	Float Switch	322.58
Husker Outdoor Power Equipment	Edger Blade	9.51
Insurance & Personnel Svc	Employee 125 Acct	987.76
Invensys Metering Systems	Software Support	750.00
Investment Property Exchange Inc	Prof Fees:Viaduct	1,900.00
Lexington Newspapers, Inc	Publications	169.10
Lexington True Value	Keys	11.50
Lexington, City of	Franchise Fees	33,210.60
Lexus	Utilities	5,172.24
Luther, Ann	Meeting Exp	36.70
Martin's Flag Co	Flags	255.19
McCookNet Internet Service	Router/Labor/Mileage	1,726.30
Mead Rental Center	High Weed Mower Rental	66.15
Mid-Nebraska Printing	Copies:GGC	239.25
Nebraska Department of Revenue	Waste Reduction & Recycling Fee	25.00
Patty's Hallmark	Date Stamp	25.03
Petty Cash Fund	Replenish Petty Cash	107.50
Platinum Plus for Business	Handi Clean	445.00
	USPS	52.95
	Fuel:Conferences	33.60

	Nat League of Cities:Conf Reg	920.00
	Office Supplies	145.87
S&W Auto Parts	Central Garage Supplies	14.28
Sunmart	Grocery	8.64
US Filter Distribution	Stiffener	30.62
Van Diest Supply Co	Gopher Bait and Weed Killer	144.95
Wal Mart	Supplies/Tools	100.20
Wesco	Inventory Supplies	699.17
	GRAND TOTAL:	586,803.61

ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING ON 13TH STREET AT THE OPTIMIST PARK; TO REPEAL ORIGINAL SECTION 16-45 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before the Council. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2162, on Final Reading. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Voting “nay” was Cook. Motion carried.

RESOLUTION:

Jim Fox, representing Ameritas Investment Corporation, addressed the City Council reviewing the Refunding and Refinancing of the Series 1994 and 1997 Combined Utility Revenue Bonds. Following Mr. Fox’s presentation, moved by Klamm, seconded by Tomasek, to approve Resolution Number 02-16. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NUMBER 02-16

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds, in accordance with the option provisions are hereby call for payment on September 27, 2002, after which date interest on the bonds will cease:

Combined Utilities Revenue and Refunding Bonds, 1994 Series, of the City of Lexington, Nebraska, date of original issue – March 15, 1994, in the principal amount of Two Million Eighty Thousand Dollars (\$2,080,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

Principal Amount	Maturity Date	Interest Rate
\$155,000	December 15, 2002	4.50%
155,000	June 15, 2002	4.60%
160,000	December 15, 2003	4.60%
165,000	June 15, 2004	4.80%
165,000	December 15, 2004	4.80%
170,000	June 15, 2005	4.90%
175,000	December 15, 2005	4.90%
175,000	June 15, 2006	5.00%
180,000	December 15, 2006	5.00%
580,000	June 15, 2007	5.05%

Said bonds are subject to redemption at any time on or after March 15, 1999, at par and accrued interest, and said interest is payable semiannually. Said bonds were authorized by ordinance and were issued for the purpose of refunding the City's then outstanding Combined Revenue Bonds, Series 1991 B, date of original issue November 1, 1991 in the then remaining principal amount of \$3,811,293.99. Said bonds are hereinafter referred to as the "1994 Refunded Bonds."

Section 2. The following bonds, in accordance with their option provisions are hereby called for payment on September 27, 2002, after which date interest on the bonds will cease:

Combined Utilities Revenue and Refunding Bonds, 1997 Series A, of the City of Lexington, Nebraska, date of original issue – September 1, 1997, in the principal amount of One Million Five Hundred Eighty Thousand Dollars (\$1,580,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

Principal Amount	Maturity Date	Interest Rate
\$200,000	September 1, 2003	4.55%
210,000	September 1, 2004	4.70%
225,000	September 1, 2005	4.80%
235,000	September 1, 2006	4.85%
240,000	September 1, 2007	4.90%
470,000	September 1, 2008	5.00%

Said bonds are subject to redemption at any time on or after September 1, 2002, at par and accrued interest, and said interest is payable semiannually. Said bonds were authorized by ordinance and were issued for the purpose of paying and redeeming the City's outstanding Junior Lien Combined Utilities Revenue Bond, dated December 27, 1996, in the principal amount of \$828,500 and for the purpose of providing for payment of certain outstanding note indebtedness incurred to pay the costs of certain utility improvements and extensions. Said bonds are hereinafter referred to as the "1997 Refunded Bonds."

Section 3. Said 1994 Refunded Bonds are to be paid off at the office of Minden Exchange Bank and Trust Company, in Minden, Nebraska, as successor paying agent and registrar (previously, Lexington State Bank and Trust Company, Lexington, Nebraska). Said 1997 Refunded Bonds are to be paid off at the office of the City Treasurer of the City of Lexington, in Lexington, Nebraska.

Section 4. A true copy of this resolution shall be filed immediately with Minden Exchange Bank and Trust Company, Minden, Nebraska, as Paying Agent and Registrar for the 1994 Refunded Bonds, and with the City Treasurer, as Paying Agent and Registrar for the 1997 Refunded Bonds, and each such Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinances authorizing said called bonds.

Joe Peplitsch
City Clerk

John Fagot
Mayor

ORDINANCE:

An Ordinance entitled "AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE AND REFUNDING BONDS, SERIES 2002, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF FOUR MILLION SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$4,670,000) FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT AND REDEMPTION OF THE CITY'S OUTSTANDING COMBINED UTILITIES REVENUE AND REFUNDING BONDS, 1994 SERIES, AND COMBINED UTILITES REVENUE AND REFUNDING BONDS, 1997 SERIES A, AND ALSO FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVEMENTS AND EXTENSIONS FOR THE CITY'S WATERWORKS PLANT AND WATER SYSTEM; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING THE HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM" was read before Council. Moved by Klamm, seconded by Salem, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2163 on Final Reading. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

AIRPORT BUDGET:

Peplitsch addressed the City Council, requesting their approval of the following Resolution allocating levy authority for the Lexington Airport Authority for fiscal year 2002-2003. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution Number 02-17. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-17

WHEREAS, the Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that \$73,692.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for fiscal year 2002-2003.

Passed and approved this 27th day of August, 2002.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

FINANCIAL REPORT:

Peplitsch addressed the City Council requesting their acceptance of the Financial Report for July, 2002. Following Peplitsch's presentation, moved by Salem, seconded by Tomasek, to accept the Financial Report for July, 2002. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, 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.

Lexington Deputy City Clerk