

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 28, 2003 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 Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Head present was 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 – 10-14-03: Minutes of the Regular Meeting that was held Tuesday, October 14, 2003 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held October 14, 2003 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 10-21-03: Minutes of the Special Meeting that was held Tuesday, October 21, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Special Meeting held October 21, 2003 as presented. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$478,817.38 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 \$290,298.58 from General Fund, \$3,829.77 from Housing Reuse, \$140,589.31 from LEXUS, \$21,388.25 from Sanitation, \$14,819.49 from Health Fund, \$7,591.98 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
October 28, 2003

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|-----------------------------|-------------------------|---------|
| Aflac | 125 Plan | 1063.56 |
| Alamar Uniform Co. | Police Supplies | 123.00 |
| Alltel | Cell Phone Service | 217.47 |
| American Water Works Assoc. | Membership | 265.00 |
| APWA | Registration/Conference | 150.00 |
| B.P.C.M. | Collections | 133.20 |

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| Barmore's | Office Supplies | 29.99 |
| Berntson Oil | Fuel/Diesel | 3,536.55 |
| Bischoff, John | Reimbursement/Boot Exp | 68.55 |
| Bob's Auto Repair & Service | Central Garage Supplies | 387.82 |
| Books on Wings | Library Supplies | 252.58 |
| Bottom Line/Health | Library Supplies | 29.95 |
| Brummet, Elberta | Reimbursement/Mileage | 27.72 |
| Buchholz, John | Reimbursement/Boot Exp | 58.00 |
| Card Center-Orscheln | Electrical Supplies | 441.77 |
| Cash-Wa Distributing | Food & Supplies | 1,191.67 |
| CBSA | Claims | 13,361.12 |
| Central Garage Fund | Labor/Parts/Oil | 3,043.83 |
| City Directory | Directory | 286.00 |
| Corrpro Waterworks | Cathodic Protection Service Contract | 1,000.00 |
| Dan's Sanitation | Sanitation Service | 1,390.00 |
| Dawson County Judge | Dismissed Cases | 6.00 |
| Dawson County Public Power | Electrical Service | 20.98 |
| Dawson County Weed Control | Weed Control | 1,770.15 |
| DeBruce Grain | Weight Svcs/Tire Collection | 743.35 |
| Eakes Office Products | Office Supplies | 12.92 |
| Farmer Brothers Coffee | Coffee Supplies | 71.57 |
| Fastenal | Sewer Supplies | 20.31 |
| Gall's Inc. | Police Supplies | 318.66 |
| Gary's Detail Shop | Car Wash | 20.00 |
| Gateway Companies, Inc. | Computer Equipment | 4,064.01 |
| Gempler's Inc. | Shirts | 1,631.25 |
| Gillette Dairy | Dairy | 161.41 |
| H.W. Wilson Company | Library Supplies | 491.00 |
| Hank's Plumbing | Plumbing Services | 42.80 |
| Harker's | Food & Supplies | 453.45 |
| Hipp Wholesale Foods, Inc. | Food & Supplies | 1,264.82 |
| Housing Authority-City of Lex | OOR Program/Analysis | 431.75 |
| Husker Ag Sales | Central Garage Supplies | 63.90 |
| I.A.E.I. | Membership | 90.00 |
| Ingram Library Services | Library Supplies | 68.78 |
| Kearney Hub | Library Supplies | 28.50 |
| Knapp Electric | Sewer Supplies | 34.34 |
| Kriz-Davis Company | Elect Supplies/Transformer | 3,184.32 |
| Lawson Products, Inc. | Water Supplies | 185.39 |
| League of Municipalities | Training/Education | 100.00 |
| Lexington Newspapers, Inc. | Publications | 165.71 |
| Lexington Public Library | Petty Cash Fund | 37.33 |
| Lexington True Value | Aquatic Center Supplies | 14.99 |
| Lien Lawn Service | OOR Program/Landscape | 604.77 |
| Lexington City Payroll Account | Wages | 79,685.19 |
| Social Security | Employer Port/FICA Med | 5,985.54 |
| First National Bank | Employer Portion/Pension | 2,772.37 |
| First National Bank | Police Pension | 1,087.66 |
| ICMA | City Manager Pension | 224.00 |
| McCooknet Internet Services | Software Services | 5.00 |
| Mead/Big Valley Lumber | Misc Supplies | 777.74 |
| Mid-Nebraska Printing | Notary Services | 24.50 |
| Miller & Associates | Retainer Services | 800.00 |
| Miller, Mark | Reimbursement/Travel Exp | 198.36 |
| Mr. Automotive | Fire Department Supplies | 34.95 |

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| Municipal Supply | Water Supplies | 275.98 |
| Nebraska Dept. of HHS Laboratory | Analysis | 2,566.00 |
| Nebraska Library Association | Library Supplies | 35.00 |
| Nebraska Machinery | Central Garage Supplies | 241.97 |
| Nebraska Supreme Court | 2003 Supplement Book | 27.10 |
| Nebraska Truck & Equipment Co. | Truck Repair | 327.30 |
| Neopost | Postage | 1,500.00 |
| OCLC, Inc. | Library Supplies | 369.50 |
| Old Dominion Brush | Street Supplies | 410.00 |
| Olsson Associates | 15 mva Substation/ Adams Elect Relocate | 2,917.11 |
| Overton Community Center | Rental Service | 100.00 |
| Patty's Hallmark | Misc Supplies | 1,211.85 |
| Paulsen's Inc. | Concrete | 343.63 |
| Peak Interest | Meeting Expense | 41.97 |
| Pinnacle Agency, The | Insurance Renewal | 134,195.00 |
| Pinnacle Bank | Land Payment | 16,741.77 |
| Platinum Plus for Business | Misc Supplies | 545.31 |
| Platte Valley Auto Mart | Vehicle Purchase/Police | 11,980.00 |
| Platte Valley Laboratories | Water Samples | 200.00 |
| Plum Creek Bank | Fire Truck Payment | 19,971.52 |
| Plum Creek Motors | Vehicle Purchase/Police | 12,200.00 |
| Plum Creek Promotions | Street Supplies | 120.00 |
| Precision Industries | Misc Supplies | 201.76 |
| Precision PC | Computer Repair | 260.00 |
| Recorded Books | Library Supplies | 117.60 |
| Richardson, Calvin | Reimbursement/Boot Exp | 17.93 |
| S&W Auto Parts | Central Garage Supplies | 513.74 |
| Skiles, Kenneth | Reimbursement/Travel Exp | 45.00 |
| Done Rite Janitorial | Wax & Strip Flooring | 275.00 |
| Subway | Meeting Expense | 26.58 |
| Sulzman Construction | OOR Program/Construction | 3,225.00 |
| Sunmart | Food Supplies | 28.61 |
| T.L. Sund Constructors, Inc. | Street Repair | 383.75 |
| T.O. Haas Tire Co | Tire Repair | 56.86 |
| Taste of Home | Library Supplies | 23.98 |
| Tinglehoff, Sam | Reimbursement/Boot Exp | 18.71 |
| Wal-Mart | Misc Supplies | 475.72 |
| Zep Manufacturing | Library Supplies | 111.77 |
| Allison Mechanical Sales | Sewer Supplies | 738.31 |
| Alltel | Phone Service | 52.94 |
| Block, Jeff | Electrical Rebate | 900.00 |
| Briefings Publishing Group | Education Material | 109.00 |
| Cash-Wa Distributing | Food Supplies | 467.50 |
| Card Center-Orscheln | CR/Electrical Supplies | -441.77 |
| CBSA | Employee Claims | 394.81 |
| Chesterman Co. | Beverages | 18.60 |
| Dan's Sanitation | Sanitation Service | 21,388.25 |
| Debruce Grain | Street Supplies | 667.15 |
| Eggleston, David | Electrical Rebate | 300.00 |
| Electric Fixture | Electrical Supplies | 436.98 |
| Environmental Pest Control | Pest Control | 25.00 |
| F&S Supply Co. Inc. | Street Supplies | 74.00 |
| Flores, Hilma | Electrical Rebate | 300.00 |
| Gall's Inc. | Police Supplies | 61.14 |
| Gillette Dairy | Dairy | 93.14 |

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| Greg Johnson Fencing | Fence/Gate Repair | 2,300.00 |
| Harker's | Food Supplies | 448.48 |
| Invensys Metering Systems | Metering Equipment Repair | 266.81 |
| Kriz-Davis Company | Electrical Supplies | 310.86 |
| Lexington Recreation | Youth Basketball Instruction | 1,200.00 |
| Lexington Volunteer Fire Dept | Conference/Seminars | 3,440.64 |
| Lexington, City of | Franchise Fees | 29,163.18 |
| Lexus | Utilities | 17,769.94 |
| Mid-Nebraska Printing | Office Supplies | 235.95 |
| Miller & Associates | Indust. Wtrmn Ext/Indust | |
| | Tract Paving/School Survey | 27,138.40 |
| Nelson, Thomas | Reimbursement/Mtg Exp | 166.10 |
| Ohlmann, William | Electrical Rebate | 900.00 |
| Olsson Associates | 15 mVA Substation/Adams | |
| | Elect Relocate | 3,281.18 |
| Patty's Hallmark | Office Supplies | 384.45 |
| Paulsen, Inc. | Concrete | 1,124.37 |
| Petty Cash Fund | Petty Cash | 57.25 |
| Plum Creek Promotions | Shirts | 1,021.00 |
| Precision Industries | EPA Equipment | 1,370.71 |
| Quill Corporation | Office Supplies | 242.50 |
| Richman, Mike | Electrical Rebate | 1,025.00 |
| Shreeves, Elsie | Electrical Rebate | 1,025.00 |
| Terryberry | Office Supplies | 482.27 |
| Wal-Mart | Misc Supplies | 55.55 |
| Wesco Distribution, Inc. | Electrical Supplies/Transformer- | |
| | Ethanol Plant | 12,964.12 |
| | TOTAL: | 478,817.38 |

PUBLIC HEARING:

Mayor Fagot declared the Public Hearing, tabled from a previous meeting, remain open. Peplitsch request Council's approval of a General Redevelopment Plan for Redevelopment Area #3. Mayor Fagot closed the Public Hearing.

RESOLUTION:

Following discussion, a Resolution approving Redevelopment Plan for Redevelopment Area #3 was read before Council. Moved by Klamm, seconded by Tomasek, to approve Resolution Number 03-20. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 03-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING REDEVELOPMENT AREA #3 REDEVELOPMENT PLAN AND MAKING FINDINGS WITH REGARD TO SUCH PLAN.

WHEREAS, the City of Lexington, Nebraska a municipal corporation has determined it to be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended (the

“Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, The City has previously declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, The Community Redevelopment Authority of the City of Lexington, Nebraska (the “Authority”), has prepared a Redevelopment Plan [Redevelopment Area #3 Redevelopment Plan] pursuant to Section 18-2111 of the Act; and

WHEREAS, the Lexington Planning Commission reviewed the Redevelopment Plan pursuant to the Act and, pursuant to Section 18-2114 of the Act, recommended approval of the Redevelopment Plan to the City; and

WHEREAS, the following consideration of the recommendations of the Planning Commission to the City, the Mayor and City Council held a public hearing on September 9, 2003, pursuant to notice as required by law; and

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lexington, Nebraska:

1. The Redevelopment Plan as contained in the form attached to this Resolution as “Exhibit A” is hereby determined to be feasible and in conformity with the general plan for the development of the City of Lexington as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act;;
2. Approval of the Redevelopment Plan is hereby ratified and reaffirmed and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

Passed and approved this 28th day of October, 2003.

CITY OF LEXINGTON, DAWSON
COUNTY, NEBRASKA

John Fagot, Mayor

ATTEST:

Joe Pepplichtsch, City Clerk

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mr. Byron Falleson, representing El Vallarta Restaurant, requested Council approve a Class “M” Liquor License, for Guadalupe Flores, dba “El Vallarta Restaurant”, located at 2604 Plum Creek Parkway, Lexington, NE. Following Mr. Falleson’s presentation, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to recommend approval a Class “M” Liquor License, for Guadalupe Flores, dba “El Vallarta Restaurant”, located at 2604 Plum Creek Parkway, Lexington,

NE. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

**LEXINGTON VOLUNTEER
FIRE DEPARTMENT:**

Dale Holbein, representing the Lexington Volunteer Fire Department, requested Council's approval of an Amendment to the Lexington Volunteer Fire Department By-Laws, which would make the Training Officer, a part of the Fire Department Board. Following Mr. Holbein's request, moved by Klamm, seconded by Tomasek, to approve the Amendment to the Lexington Volunteer Fire Department By-Laws. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm, Fagot. Motion carried.

**LIBRARY STEERING
COMMITTEE:**

Councilman Ted Cook made the following recommendation on behalf of the Lexington Library Steering Committee: "The Library Steering Committee recommends that you accept the plan developed by Ciccio Dennell Group, and Zenon Beringer Mabrey Partners, to build an 18,500 square foot Library, on the half-block purchased by the Lexington Foundation, on the west side of Washington Street, between 9th and 10th. Further, the Steering Committee recommends that the Lexington City Council adopt a Resolution at the October 28th Meeting, setting a Special Election for January 13, 2004, so the voters of Lexington might consider approving a \$1.525 Million Bond Issue to partially fund construction of the new Library. It is also our recommendation that as part of the Financing Plan, the City of Lexington provide \$300,000 of additional funding to come from the General Fund, and it is also the recommendation of the Library Steering Committee, that the Thanks-A-Million Chapter II Campaign furnish the balance of the funding for the Library Project. Such Funding to amount to about \$1.14 Million, and to be raised from Corporate and Individual Donations." Following Councilman Cook's statement, and discussion by Council, moved by Cook, seconded by Klamm, to approve the Lexington Library Steering Committee's recommendation, as presented at the October 21, 2003 City Council Meeting. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

RESOLUTION:

A Resolution setting a Special Election for January 13, 2004, for the citizens to consider a \$1.525 Million Bond Issue to partially fund construction of a new Library was read before Council. Moved by Cook, seconded by Tomasek, to approve Resolution No. 03-21. Roll call. Voting "aye" were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

RESOLUTION NO. 03-21

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 and interest 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 13th day of January, 2004, 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 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.

ATTEST:

Joe Peplitsch
City Clerk

John Fagot
Mayor

Ted Cook
Council Member

Rick Klamm
Council Member

John Salem
Council Member

Steve Tomasek
Council Member

PAY REQUEST:

Dana Daniels, representing Miller and Associates, requested Council's approval of Pay Request No. 5 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 5 for the Adams Street Viaduct Project No. STPN-TMT-6555(1), to Paulsen, Inc., in the amount of \$113,981.97. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels, representing Miller and Associates, requested Council's approval of Pay Request No. 2 for the Lexington Industrial Park Paving Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 2 for Lexington Industrial Park Paving Project, to Paulsen's Inc., in the amount of \$13,424.40. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch requested Council's approval of the Financial Report for September, 2003. Following discussion, moved by Salem, seconded by Klamm, to accept the Financial Report for September, 2003. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CHANGE MEETING DATE:

Discussion was held regarding changing the Regular City Council Meeting Date of November 11, 2003 to accommodate the Veteran's Day Holiday. Moved by Salem, seconded by Tomasek, to change the November 11, 2003 City Council Meeting Date to Monday, November 10, 2003, to accommodate the Veteran's Day Holiday. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Jim Fox, representing Ameritas Investment Corp., reported to the City Council, on the Combined Utility Revenue Bond. Items discussed included Sources and Uses, Debt Service Schedule, and Operation of Project Construction Fund. No action was taken.

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