

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 13, 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 Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Charles Clark, Deb Jensen, 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 – 04-22-03: Minutes of the Regular Meeting that was held Tuesday, April 22, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Regular Meeting held April 22, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,248,753.46 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$527,808.54 from the General Fund, \$9,200.00 from Ed Reuse, \$25,842.55 from Housing Reuse, \$644,412.20 from LEXUS, \$10,000.00 from City Sanitation, \$20,946.50 from Health Fund, \$10,543.67 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 13, 2003

Ackerman, Arlan	OOR Construction/Construction	8,899.00
Alamar Uniform Co.	Uniforms	93.46
Alltel	Cell Service	106.65
American Library Association	Membership Dues	150.00
American National Red Cross	Manuals	489.30
Arrow Seeds	Cemetery Supplies	176.00
Associated Supply Company, Inc.	Pool repair/parts	9,202.54
B.P.C.M.	Collections Fee	7.42
Barco Municipal Products	Water Supplies	125.12
Barmore's	Misc Supplies	145.89

Berntson Oil	Fuel/Oil	2,276.71
Bliven, Mick & Lon	Roof Repair	240.80
Broadwing Telecommunications	Phone Service	320.56
Card Center	Misc Supplies	69.95
Careertrack	Training/Education Supplies	124.85
Case Credit Advantage	Misc Supplies	57.29
Cash-Wa Distributing	Food & Supplies	804.45
CBSA	Employee Medical Claims	17,382.81
CBSA	Premiums and Fees	11,487.86
Central Garage	Labor/Parts/Fuel for April	8,991.24
Chesterman Co.	Beverages	18.60
Collegiate Pacific	Lawn Supplies	166.11
Conney Safety Products	Supplies	24.20
Copper, Alfred	Property Clean Up	60.00
Culligan	Water Treatment	134.10
Dangler, Clark	Reimburse CDL License	55.00
Dan's Sanitation	Waste Removal	10,632.20
Dawson Area Development	CDBG Loan	9,200.00
Dawson County Clerk	Dispatch Fees	7,465.94
Dawson County Public Power	Power Service	2,550.83
Dawson County Register of Deeds	Filing Fees	11.00
Depository Trust Co	GO Bond Payment	140,745.00
Diamond Sales	Library Supplies	67.00
Dream Gardens Nursery	Trees	238.00
Drummond American Corp	Sewer Supplies	338.48
Dunrite, Inc.	Sewer Supplies	152.30
Eakes	Office Supplies	126.83
Earl May Nursery & Garden Center	Trees	391.94
Eilers Machine & Welding	Parts	18.00
Electric Fixture	Electrical Supplies	2,439.14
Fagot Refrigeration & Electric	GGC, WWTP, Office repairs	2,156.30
Farmer Brothers Coffee	Coffee Supplies	119.24
Fireade Source	Fire Supplies	1,136.60
Fisher Scientific	Sewer Supplies	330.54
Five Points Bank	Copier Payment	205.12
Flowers of Joy	Misc Supplies	41.68
FYR-TEK	Fire Department Supplies	871.20
Garcia, Guadalupe	Refund Permit Fee	12.00
Gary's Detail Shop	Car Wash	20.00
GBC	Library Supplies	84.75
Gillette Dairy	Dairy	371.51
Gomez, Hipolito Gomez	EL Rebate	900.00
Great Plains One-Call Service	Diggers Hotline	73.83
Gengenbach, Kevin	Toilet Rental	200.00
H.O. Smith	Title Insurance	51.75
Harker's	Food & Supplies	786.65
Harmon, Dan	OOR Program/Construction	10,435.01
Hinds Electric	OOR Construction/Construction	523.64
Hipp Wholesale Foods, Inc	Food & Supplies	2,302.70
Hobart	GGC Repair	132.00
Holmes Plumbing	Water Supplies	10.89
Hometown Leasing	Copier Payment	544.60
Housing Authority-City of Lex	OOR Construction	624.00
Husker Ag Sales	Supplies	117.42
I.C.M.A.	Membership Dues	496.08
Ingram Library Services	Books	1,015.12

Interstate Structures Inc.	Library Supplies	114.71
Flynn, Jeff	Training Expenses	105.00
Jones Plumbing & Heating	Service and Supplies	1,661.98
KRVN-FM	Advertising/Contract Renewal	158.25
Keim, Bob	Waste Removal	225.00
Kinder Morgan	Gas Service	2,136.34
Kriz-Davis Company	Electrical Supplies	2,870.13
Lexington Animal Clinic	Animal Service	433.20
Lexington, City of	Franchise Fees/Mthly Charges	23,866.95
Lexington Communications	Repair	32.50
Lexington Health	Self Funding	25,423.50
Lexington High School	3on3 Concessions	1,194.82
Lexington Newspapers	Publications	551.68
Lexington Public Library	Petty Cash-Postage	68.58
Lexington Postmaster	Postage	150.00
Lexington Recreation Program	Softball & Baseball Concession	1,200.00
Lexington True Value	Tools and Supplies	16.93
Lexington Volunteer Fire Dept	Fire School	1,722.48
LexisNexis Matthew Bender	Library Supplies	74.30
Lexus	Tree Board-Postage	7.40
Liehs Drilling	Labor and Repair	1,374.66
Linweld	Oxygen	46.40
Luther, Ann	Training Expenses	65.10
Lookout Books	Library Supplies	112.60
Lexington City Payroll	Wages	76,871.52
Social Security	Social Security (Employer Portion)	5,768.63
First National Bank	Emp Pension (Employer Portion)	2,610.35
American Funds	Police Pension (Employer Portion)	0.00
I.C.M.A.	Emp Pension (Employer Portion)	224.00
Maloley, Joe	Utility Refund	9.10
Martin Electric	Door Repair	30.00
Martin's Flag Company	Flag Supplies	547.76
Matt Parrott and Sons Co	Forms /Envelopes Printing	198.85
Maxim Technologies	Asbestos Inspection/Survey	3,472.26
Mead Big Valley Lumber	Lumber/Supplies	197.79
Medtronic Physio-Control Corp.	Paper Supplies	57.78
Micro-Marketing, LLC	Library Supplies	55.00
Mid Nebraska Printing	Copies and Forms Printing	26.81
Mid-States Units	Toilet Rental	660.00
Midwest Right of Way Svcs, Inc.	RAS/Adams St. Viaduct Prjct	735.00
Miller & Associates	Retainer Services	800.00
Misko Sports	Recreation Equipment	1,085.05
Morton, Allyn	OOR/Construction	4,228.55
Mr. Automotive	Supplies	6.65
National Waterworks	Water Supplies	2,586.08
NE Dept. of HHS	Analysis	1,252.00
Nebraska Law Enforcement	Training Expense	35.00
Nebraska Natrional Bank	Mail System Contract	361.56
Nebraska Public Power District	Power Purchased	393,866.72
Nebraska Softball Association	Membership/Dues	35.00
Nebraska Waste Handlers	Sludge Removal	2,263.00
Nebraskaland Conf of Bldg Ofcls	Conference/Seminar	30.00
Nelson, Margie L	Cleaning Service	500.00
Neopost	Postage	1,500.00
Newman Traffic Signs	Signs	204.86
Newsweek	Subscription	51.00

Olsson Associates	35kv Line Rbld/15Mva Sub/ Adams Elect/Map Upgrd	18,020.99
Overhead Door Co. of North Platte	Service/Repairs	718.49
Overton Sand and Gravel	Gravel	70.00
Patty's Hallmark	Supplies	247.78
Paulsen Inc	Concrete and Gravel	2,277.61
Jim Phillips Construction	Water Repair	1,244.00
Plank's Plunk & Bunk	Conference/Seminar	184.00
Platte Valley Auto Mart	Parts	14.16
Platte Valley Communications	Repair/Maintenance	253.37
Plum Creek Auto Spa	Car Wash	9.00
Precision Sprinklers	Repair/Maintenance	1,324.75
Price's Tree Service	Tree Service	775.00
Qwest	Phone Service/Repair	480.69
Reader's Digest	Subscription	16.86
S & W Auto Parts, Inc	Supplies	890.30
S&S Maintenance Co.	Paint Pool	31,660.70
Sav A Lot	Grocery	66.41
Seward, Randell	Library Cleaning Service	400.00
Sign Pro	Signs	255.00
Subway of Lexington	Meeting Expense	26.65
Sunmart #763/Sixth Street	Food & Supplies	18.71
The Swanson Corp	Training Expense	323.68
T O Haas	Tire Purchase/Repair	545.64
TASC	125 Plan	163.00
Total Lawn Care	Lawn Care	685.00
Tri City Tribune	Summer Rec Advertising	120.00
Tri-County Hospital	Wellness Fee	220.00
Union Pacific Railroad	ROW Rights	20,300.00
Usher Pest Control	Monthly Service	27.00
Utility Equipment	Freight	132.98
Viking Office Products	Library Supplies	117.69
Wal-Mart	Misc Supplies	971.85
Wesco Distribution	Electrical Supplies	2,177.45
Wildwood Tree Farm	Trees	180.00
Willard Weinhold Law Office	Professional Services	1,230.50
Brummet, Alberta	Reimburse Expenses	15.50
Cash-Wa Distributing	Food Supplies	381.89
Chesterman Co.	Beverages	55.80
CBSA	Claims	3,400.69
Dugan Business Forms	Envelopes	724.32
Electric Fixture	Electric Supplies	788.60
Fox Bros. Hay Co. Inc.	Grinding wood waste	1,500.00
Gillette Dairy	Dairy	134.07
Gnirk Lawn Care	Lawn Service	672.00
Husker Ag Sales	General Maintenance	107.74
Kinder Morgan	Gas Service	255.24
Lexington Public Library	Petty Cash	15.79
Lexington Recreation Program	Start-Up Exps/Support Personnel	4,000.00
Mead/Big Valley Lumber	Misc Expenses	13.17
Michael Todd & Co, Inc.	Tool & Shop Maintenance	64.51
Mid-Nebraska Printing	Office Supplies	9.91
Nebraska Department of Revenue	Sales Tax	27,819.78
Nebraska Tech & Telecomm, Inc.	Phone Service	1,142.91
Patty's Hallmark	Office Supplies	3.99
Paulsen Inc.	Concrete	640.53

Petty Cash Fund	Petty Cash	48.51
Pierce, Jana	Reimburse Expenses	70.56
Plum Creek Cleaners	Dry Cleaning Service	146.00
S&W Auto Parts	General Maintenance	149.00
Smith, Christel	Reimburse Expenses	71.54
Sunmart	Food Supplies	11.49
Taste of Home	Library Supplies	21.90
Tri-County Shrine	Promotion	120.00
Wal-Mart	Misc Supplies	9.24
Wesco Distribution, Inc.	Electric Supplies	1,782.62
Paulsen Inc.	Taft Street Paving Project	185,825.64
Starostka Construction	South Lexington Util Improvement	109,169.23
	TOTAL:	1,248,753.46

MOTION:

Councilman Cook addressed the City Council requesting the motion adopted April 22, 2003, “to approve the articles of incorporation of the Lexington Facilities Corporation in their form, with the actual incorporation to take place at a later date” be rescinded. The following citizens expressed their support of Councilman Cook: Kermit Debban, Frank Hennigan, Opal Hilty, Hap Hardesty, Nola Reed, Ken Kring, Jim O’Donnell, Bill Ashmore, Jim VanMark, and Jerry Frahm. Following input by the citizens, and discussion by Council, moved by Cook, seconded by Tomasek, to rescind the motion adopted April 22, 2003, “to approve the articles of incorporation of the Lexington Facilities Corporation in their form, with the actual incorporation to take place at a later date”. Roll call. Voting “aye” were Salem, Klamm, Tomasek, Cook, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. DeEtta Hartman addressed the City Council requesting their approval of a CDBG Loan Application for Mid Plains Holding LLC, d.b.a. Triple S Trucking. Following her presentation, John McCoy addressed the Council, also seeking their approval. Mayor Fagot closed the Public Hearing. Moved by Cook, seconded by Tomasek, to approve the CDBG Loan Application for Mid Plains Holding LLC, d.b.a. Triple S Trucking, in the amount of \$355,000.00, and authorize the Mayor to sign said documents. Roll call. Voting “aye” were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

**INDUSTRIAL PARK
WATERMAIN EXTENSION:**

Dana Daniels, representing Miller and Associates, addressed the City Council, requesting their approval of Plans and Specifications for the Lexington Industrial Park Watermain Extension and authorize the advertisement for bids. Following Mr. Daniels presentation, moved by Klamm, seconded by Salem, to approve the Plans and Specifications for the Lexington Industrial Park Watermain Extension and authorize the advertisement for bids. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

**HIGHWAY 283
INTERSECTION
RECONSTRUCTION:**

Daniels requested Council approval of bids, and award of contract for the Highway 283 Intersection Reconstruction project. Following discussion moved by Salem, seconded by Tomasek, to award the contract for the Highway 283 Intersection Reconstruction project, to Paulsen, Inc. in the amount of \$41,694.50. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

CHANGE ORDER: Daniels requested approval of Change Order No. 1 for the South Lexington Utility Improvements. Following discussion, moved by Klamm, seconded by Salem, to approve Change Order No. 1 for the South Lexington Utility Improvements to Starostka Group Company in the amount of \$18,439.00. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST: Daniels requested approval of Pay Request No. 3 from Starostka Group Co. for the South Lexington Utility Improvements. Following Mr. Daniels’ presentation, moved by Salem, seconded by Klamm, to approve Pay Request No. 3 from Starostka Group Co. for the South Lexington Utility Improvements in the amount of \$109,169.23. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

PAY REQUEST: Daniels requested approval of Pay Request No. 1 from Paulsen Inc., for Taft Street Paving Project. Following Mr. Daniels’ presentation, moved by Salem, seconded by Tomasek, to approve Pay Request No. 1 from Paulsen Inc., for the Taft Street Paving Project, in the amount of \$185,825.64. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

WASTEWATER TREATMENT PLANT PHASE I IMPROVEMENTS: Reed Miller requested approval to accept bids, and award contract for the Wastewater Treatment Plant Phase I Improvements. Following Mr. Miller’s presentation, moved by Klamm, seconded by Salem, to accept bids, and award contract to Eriksen Construction Co., Inc., from Blair, Nebraska, in the amount of \$397,000, for the Wastewater Treatment Plant Phase I Improvements. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

ADAMS STREET ELECTRIC LINE RELOCATION: Peplitsch requested approval to accept bids, and award contract for Adams Street Electric Line Relocation project. Following discussion, moved by Salem, seconded by Klamm, to accept bids, and award contract for the Adams Street Electric Line Relocation project, to Watts Electric, of Lincoln, Nebraska, in the amount of \$349,890.00. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

RESOLUTION: Peplitsch requested approval of a Resolution, required by banks, to obtain interim financing for Capital Improvement Projects. Following discussion, said Resolution was read before Council. Moved by Klamm, seconded by Salem, to accept Resolution 03-06. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION 03-06

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN INTERIM FINANCING FOR CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, the City of Lexington, Nebraska anticipates the construction and entering into contracts for construction of an Adams Street Viaduct, Project No. STPN-TMT-6555(1), as well as other utilities and improvements projects, and that it is necessary and

advisable for the City to borrow funds for the payment of project costs pending reimbursement or long term financing of such costs; and,

WHEREAS, the City is authorized by law to borrow money to pay the cost of capital improvement projects, and to issue the notes of the City in anticipation of permanent funding and reimbursement of project costs;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That the City of Lexington, Nebraska is hereby authorized to contract for a "line of credit" with United Nebraska Bank of Lexington, Nebraska. The loan amount shall not exceed \$5,000,000.00 for a term of 18 months at an interest rate of 3.15%.
2. That John Fagot, President of the City Council, and Joe Peplitsch, City Manager, are hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute necessary bank documents.

Passed and approved this 13th day of May, 2003.

City of Lexington, Nebraska

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

ORDINANCE:

Peplitsch presented an Ordinance restricting parking in residential use areas. Following discussion, an Ordinance entitled "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT FRONT AND SIDE YARD PARKING IN RESIDENTIAL AREAS; 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 Council. Moved by Klamm, seconded by Salem, to approve Ordinance on First Reading. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing to have Council sit as a Board of Equalization to consider Special Assessments on lots, lands and real estate specially benefited by the improvements in Street Improvement District No. 02-01. Following discussion, Mayor Fagot closed the Public Hearing.

ORDINANCE:

Peplitsch addressed the City Council requesting their approval of an Ordinance levying a special assessment on lots, lands and real estate specially benefited by the improvements in Street Improvement District No. 02-01. Following discussion, an Ordinance entitled "AN ORDINANCE LEVYING A SPECIAL ASSESSMENT UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE SPECIALLY BENEFITED BY THE IMPROVEMENTS IN

IMPROVEMENT DISTRICT 02-01, OF THE CITY OF LEXINGTON, NEBRASKA; TO DEFRAY THE COSTS OF SAID IMPROVEMENTS TO THE EXTENT OF THE SPECIAL BENEFIT TO SUCH LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE BY REASON OF SUCH IMPROVEMENTS AND PROVIDING FOR PUBLICATION 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 Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2169 on Final Reading. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION:

Deb Jensen, requested approval of a Resolution of Support for the Main Street District Enhancement Program 2003. Following Mrs. Jensen’s presentation, moved by Klamm, seconded by Tomasek, to approve Resolution No. 03-07. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO.03-07

WHEREAS, the City of Lexington and its residents benefit from a strong and vital Main Street; and

WHEREAS, the City of Lexington Council desires to support the local Lexington Main Street Program; and

WHEREAS, the City of Lexington Council supports the Lexington Main Street Program’s effort in the beautification and historical enhancement of the Lexington Main Street District by utilizing the grant, “Main Street District Enhancement Program 2003”;

BE IT THEREFORE RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the Lexington City Council hereby fully supports the final application to the Nebraska Lied Main Street Program for the “Main Street District Enhancement Program 2003”.

PASSED AND APPROVED this 13th day of May, 2003.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST:

Shirley Lewis, Deputy City Clerk

DONATION:

The City Council, acknowledged a donation in the amount of \$5,000 from Gladys G. Benthack’s Estate. This gift shall be used for a Rescue Unit or Equipment for the Rescue Unit. In addition, Peplitsch acknowledged two other donations: \$1,000.00 from Vicki N. Heigel, and \$500.00 from W.E. Utzinger. Both of these gifts are to be used for the Lexington Library Building Fund. Vicki N. Heigel and W.E.

Utzinger were beneficiaries under the Estate of Gladys G. Benthack, and both made the decision to return the money to the City of Lexington for the Library. Council expressed appreciation, on behalf of the City of Lexington, for the Gifts.

**FIRE DEPARTMENT
ROSTER:**

Peplitsch addressed the City Council, presenting them with an updated Fire Department Roster. Following review, moved by Salem, seconded by Klamm, to accept the Lexington Fire Department Roster. Roll call. Voting "aye" were Tomasek, Cook, Klamm, 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