

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 9, 2004 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 and Ann Luther.

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 – 02-24-04: Minutes of the Regular Meeting scheduled for Tuesday, February 24, 2004 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held February 24, 2004 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$936,194.59 were 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 \$128,438.25 from the General Fund, \$60,280.17 from Economic Development Fund, \$9,053.36 from Housing Reuse, \$665,839.65 from LEXUS, \$10,000.00 from Sanitation, \$38.99 from Library Memorial, \$53,467.82 from Health Fund, \$9,076.35 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
March 9, 2004

Adirondack Direct	Tables	940.30
All Points Cooperative	Propane	306.25
Alltel	Cellphone Service	52.17
American Girl	Library Subscription	19.95
Ancestry	Library Subscription	17.95
Axiom	Library Subscription	140.35
Barmore Drug	Office/Medical Supplies	96.22
Berntson Oil	Fuel	2,727.26
C&S Truck & Salvage	Parts/Supplies	75.25
Campus Bookstore	Books	58.25
Card Center/Orscheln	Parts/Supplies	99.96

Cash-Wa Distributing	Food & Supplies	740.34
Central Community College	Tuition	162.00
Central Garage	Maint/Repairs/Fuel	8,943.28
Central Platte Natural Resources	Well Permit #17 & #18	50.00
Central Tire & Tread	Repair	36.80
Coco Cola/Dr. Pepper of Kearney	Food & Supplies	9.50
Computer Gaming World	Library Subscription	24.97
The Cornhusker Hotel	Conference/Seminar	910.00
Corporate Benefit Svcs of America	Claims	15,104.19
Corporate Benefit Svcs of America	Premiums	13,206.19
Culligan Water Conditioning	Water Service	205.63
Dan's Sanitation	Sanitation Fees	10,000.00
Dawson County Clerk	Dispatch Fee	6,360.16
Dawson Pest Control	Bldg. Maintenance	27.00
The Drawing Board	Supplies	67.31
Electric Fixture	Electric Supplies	111.61
Electromark	Supplies	316.64
Elf Hydraulic Repair	Supplies	8.00
Fagot, John	Conference/Seminar	127.24
Farmer Brothers Coffee	Food & Supplies	97.80
The Gale Group	Library Subscription	158.68
Gillette Dairy	Food & Supplies	198.48
Great Plains One-Call Service	Locate Service	111.49
Haines, Dick	Safety Equip	150.00
Harker's	Food & Supplies	1,012.05
Hipp Wholesale	Food & Supplies	404.06
Hometown Leasing	Copier Lease	697.04
Ingram Library Service	Books	472.68
International Paper Company	Poles	9,315.52
Jones Plumbing & Heating	Repair	516.21
K-Lawn	Lawn Care	349.80
Kids Discover	Library Subscription	19.95
League of NE Municipalities	Conference/Seminar	75.00
Lewis, Shirley	Conference/Seminar	67.50
Lexicon Marketing Corp	Library Supplies	45.00
Lexington Animal Clinic	Animal Care	362.55
Lexington Glass Co.	Repair	115.00
Lexington Health Fund	Self-funding	26,320.59
Lexington Newspapers, Inc	Advertising	128.50
Lexington Postmaster	GGC Postage	150.00
Lexington Public Library	Petty Cash	19.45
Lexington, City of	Monthly/Franchise Fees	23,875.38
Lexington City Payroll Account	Wages	81,635.18
Social Security	Employer Port/FICA Med	6,127.32
First National Bank	Employer Portion/Pension	2,784.37
First National Bank	Police Pension	1,199.17
ICMA	City Manager Pension	224.00
Lien Lawn Services	Snow Removal	35.00
Linden's Plumbing	Repairs	30.00
Matt Friend Truck Equip	Maint/Repair	416.00
Mead/Big Valley Lumber	Maint Supplies	44.28
Michael Todd & Co., Inc.	Maint Supplies	521.53
Mid-Nebraska Printing	Office Supplies	4.30
Miller & Associates	Retainer Service	800.00
Mr. Automotive	Maint/Repair	167.70
Municipal Supply	Maint/Repair	52.65

National Waterworks	Repairs	873.13
Nebraska Community Foundation	Conference/Seminars	45.00
Nebraska Public Power District	Power Purchase	450,138.90
Nebraska Safety Council	Supplies	5.00
Nebraska State Recycling Assoc	Membership Fee	250.00
Nebraska Supreme Court	Publications	83.85
Nebraskaland Magazine	Library Subscription	16.00
Nelson, Margie L	Cleaning Service	500.00
Neopost	Postage	1,500.00
Overton Sand & Gravel	Gravel	315.00
Patty's Hallmark	Office Supplies	140.26
Paulsen Inc.	Concrete	30.25
Peplitsch, Joe	Conference/Seminars	495.11
Platte Valley Auto Mart	Maint/Repair	22.60
Plum Creek Auto Spa	Maint/Repair	5.00
Plum Creek Medical Group	Medical Expense	80.00
Precision Industries	Repairs	71.39
Quill Corporation	Library/Office Supplies	211.26
Qwest	Library Phone Expense	61.66
Recorded Books	Books	292.00
Roelfs, Christina	Police Expense	75.00
S&W Auto Parts	Maint/Repair	551.56
Seward, Randell	Cleaning Service	400.00
Showcases	Library Supplies	35.11
Stobbe Welding	Repairs	95.00
Subway of Lexington	Meeting Expense	14.61
Sulzman Construction	OOR Housing	120.00
Sunmart	Food & Supplies	8.64
Taste of Home	Library Subscription	52.96
Terrascan Inc.	GIS Training/Software	6,369.00
Tomasek, Steve	Conference/Seminars	126.00
Tri-City Tribune	Advertising	182.00
Tri-County Hospital	Wellness	231.00
Universal Inspections LTD	Annual Elec Safety Insp	1,420.00
Valley Insurance	Building Permit Refund	23.00
Wal-Mart	Office Supplies	277.77
Walker Roofing	Library Repair	263.00
Water Environment Federation	Membership Fee	100.00
Wesco Distribution, Inc	Transformer Bracket	308.16
Wolf, Tracy	Police Expense	180.00
Ackerman, Arlan	Housing Program	6,221.20
Alltel	Cellphone Service	95.36
Barmore Drug	Office Supplies	4.99
Barnes Distribution	Electric Supplies	196.48
Case Credit Advantage	Equipment Repairs	304.39
Cash-Wa Distributing	Food & Supplies	606.88
Collegiate Pacific	Rec Supplies	67.83
CBSA	Claims	38,199.63
Coyote Creek	Books	65.00
Crane Construction	Utilities Refund	27.30
Dan's Sanitation	Sanitation Service	1,754.44
Dawson County Public Power	Electricity	4,572.85
Dawson County Register of Deeds	Filing Fees	31.50
Depository Trust	2002 Util Bond Int Pmt.	63,175.00
Designer Craft Woodworking	Remodeling	11,243.27
Election Systems & Software	Supplies	604.66

Electric Fixture	Electrical Supplies	1.45
Fagot Refrigeration	Housing Program/Well/ WWTP Repair	3,406.06
Family Eyewear	Glasses	204.00
Gempler's, Inc	Supplies	109.40
Gillette Dairy	Food & Supplies	184.06
Hipp Wholesale	Food & Supplies	370.02
Husker Ag Sales	Mower/Cemetery	7,400.00
Ingram Library Services	Books	51.36
Kinder Morgan	Utilities	6,388.75
Kriz-Davis Company	Electric Supplies	306.45
League of NE Municipalities	Conference/Seminar	58.00
Lex Area Solid Waste Agency	Landfill	777.96
Lexington Public Library	Petty Cash	5.80
Linweld	Oxygen Supplies	46.08
Mach III Enterprises, Inc.	Cleaning Supplies	80.00
Martin Electric	Repairs	866.53
Mead Big Valley Lumber	Repairs	17.37
Mid-Nebraska Printing	Office Supplies	14.41
Movies & Memories	Books	85.39
NE Dept of Revenue	Sales Tax	33,923.42
Nebraska Waste Handlers	Waste Removal	4,161.00
NT&T	Phone Service	1,068.63
Paper Showcase	Shipping	8.75
Path Master, Inc.	Street Light Repair	370.00
Patty's Hallmark	Supplies	12.35
Paulsen, Inc.	Concrete	617.75
Petty Cash Fund	Supplies	49.50
Platte Valley Communication	Radio Repair	236.80
Plum Creek Cleaners	Service Contracts	152.00
S&W Auto Parts	Repairs	14.11
Sattler, Gary	Janitorial	275.00
Skarshaug Testing	Supplies	260.69
Sulzman Construction	Housing Program	130.00
T.L. Sund Constructors	Repairs - Boring	350.00
TASC	Flex Plan	164.00
United Nebraska Bank	ED Sales Tax Bond Pmt.	60,280.17
Wal-Mart	Supplies	15.47
Wesco Distribution	Electric Supplies	926.89
YM	Subscription	15.97
	TOTAL:	936,194.59

PUBLIC COMMENT PERIOD:

Barb Batie, representing the Lexington Clipper-Herald, introduced Lori Cicotella, the new Editor of the paper. Council welcomed Lori to Lexington.

ORDINANCE:

Discussion was held regarding an Ordinance to regulate the presence of minors in licensed liquor establishments. Following discussion, an Ordinance entitled "AN ORDINANCE TO REGULATE THE PRESENCE OF MINORS IN PREMISES LICENSED FOR THE SALE OF ALCOHOLIC BEVERAGES; TO REPEAL ALL 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 Tomasek, to suspend the

rules required the reading of said Ordinance on three separate days. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Tomasek, to adopt Ordinance No. 2180 on Final Reading. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

SPLASH PAD PROJECT:

Peplitsch requested Council’s approval to authorize Administration to request proposals on a joint improvement “Splash Pad” Project at the Lexington Family Aquatic Center. Following Peplitsch’s presentation, moved by Klamm, seconded by Salem, to authorize Administration to request proposals for the Splash Pad Project at the Lexington Family Aquatic Center. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST:

Peplitsch requested Council’s approval of Pay Request No. 13, for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request No. 13, for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$114,350.16. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

**FIRE DEPARTMENT
RESCUE UNIT:**

Dale Holbein, representing the Lexington Volunteer Fire Department, requested Council’s approval to advertise for bids for a New Type III Rescue Unit. Following discussion, moved by Klamm, seconded by Salem, to authorize the Lexington Volunteer Fire Department to advertise for bids for a New Type III Rescue Unit. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION:

Peplitsch requested Council’s approval of a Resolution creating the Lexington Volunteer Fire Department Service Award Program, based on the State of Nebraska’s Volunteer Emergency Responders Recruitment and Retention Act. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 04-02, creating the Lexington Volunteer Fire Department Service Award Program. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

RESOLUTION NO. 04-02

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

WHEREAS, the City of Lexington uses volunteer firefighters to help staff the Lexington Fire Department; and

WHEREAS, the City recognizes the value that volunteer firefighters provide to the community’s citizens, and

WHEREAS, it is the City’s desire to develop and maintain a highly proficient fire and emergency service department; and

WHEREAS, the State of Nebraska has enacted the Volunteer Emergency Responders Recruitment and Retention Act to permit

communities to award volunteer firefighters based on their length of service with a fire department; and

WHEREAS, the City has determined it is in its best interests and in the best interests of its volunteer firefighters to establish a service award program that complies with the Volunteer Emergency Responders Recruitment and Retention Act, as well as Internal Revenue Code Section 457(e)(11)(A)(ii).

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Lexington hereby establishes the LVFD Service Award Program in the form of the Plan document submitted at this meeting and by this reference made a part of this Resolution; and

The Mayor and appropriate officers of the City of Lexington shall be, and they hereby are, authorized to do any and all things, including the execution of any document or amendment which may be necessary or appropriate to establish the aforesaid Plan, including such actions as may be necessary or appropriate to comply with the Volunteer Emergency Responders Recruitment and Retention Act, as the same may be amended, and Section 457(e)(11) of the Internal Revenue Code of 1986, as amended, and as the same may be amended.

Approved this 9th day of March, 2004.

John Fagot, President of Council

ATTEST:

Joe Peplitsch, City Clerk

EXECUTIVE SESSION:

Moved by Salem, seconded by Klamm, to enter into Executive Session at 7:57 p.m. to discuss personnel and contractual agreement issues. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to reconvene Regular Session from Executive Session at 8:45 p.m. Roll call. Voting "aye" were Cook, Salem, 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.

Deputy City Clerk