

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 13, 2004 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.

**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 – 03-23-04:** Minutes of the Regular Meeting scheduled for Tuesday, March 23, 2004 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held March 23, 2004 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$749,751.72 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 \$156,950.51 from General Fund, \$8,349.20 from Housing Reuse, \$538,838.37 from LEXUS, \$10,000.00 from Sanitation, \$49.86 from Library Memorial, \$13,773.80 from Health Fund, \$8,710.20 from Library Building Fund, \$13,079.78 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  
April 13, 2004

ABDO Publishing Co.	Books	340.95
All Points Cooperative	Fertilizer	2,620.13
Alltel	Cellphone Service	147.53
Automotive Sales & Service Co	Parts/Supplies	78.40
Awards Plus	3 On 3/Emp. Recog.	698.50
Barmore Drug	Supplies	12.43
Barnes Distribution	Parts/Supplies	40.52
Beringer Ciaccio Dennell Mabrey	Professional Fees	14,354.55
Berntson Oil	Fuel	3,228.72
Best Books	Books	1,089.55
Bottom Line Books	Books	34.92

Card Center (Orscheln)	Parts/Supplies	145.90
Cash-Wa Distributing	Food & Supplies	821.86
CDBG Certification	Conference/Seminar	35.00
Central Garage	Maint/Repairs/Fuel	4,173.38
Central Nebraska Cleaners	Janitorial Service	140.00
Central Tire & Tread	Tires	359.52
Cindy's Heavenly Cookies	3 On 3	22.00
Collegiate Pacific	Recreation Supplies	274.74
Cooperative Extension	Conference/Seminar	12.00
C.B.S.A.	Claims	12,918.40
C.B.S.A.	Premiums	13,283.81
Cozad Services	Jett Sewer Lines	300.00
Culligan Water Conditioning Co.	Water Service	205.63
Dan's Sanitation	Sanitation Fees	11,960.44
Dawson County Clerk	Dispatch Fee	6,360.16
Dawson County Handibus	Service Contract	170.00
Dawson County Public Power	Utilities	5,000.58
Dawson County Register of Deeds	OOR Housing	103.00
Dawson County Road Dept.	Reflectors	142.00
Dawson County Surveyor	Copies	18.00
Dawson Pest Control	Janitorial Service	27.00
Designer Craft Woodworking	Remodeling	11,243.27
Dugan Business Forms	Office Supplies	1,112.46
Dutton-Lainson Co.	Electric Supplies	3,687.54
Eakes Office Products	Office Supplies	167.83
EDM Equipment Co.	Parts/Supplies	101.43
Electric Fixture	Electric Supplies	1,437.67
Fagot Refrigeration & Electric	OOR Housing	4,094.00
Farmer Brothers Coffee	Food & Supplies	142.32
Fastenal	Supplies	75.54
FC&A	Books	35.97
Fisher Scientific	Testing Supplies	453.94
Fox Bros. Hay Co.	Wood Grinding	1,500.00
Gall's Inc.	Police Supplies	21.87
Gangwish Turf	Sod	165.00
General Traffic Controls, Inc.	Keys	66.57
Gillette Dairy	Food & Supplies	325.54
Great Plains One-Call Service	Locate Service	79.49
Hach Company	Testing Supplies	1,531.80
Bill Haines	Safety Boots	64.19
Halliday Products	Access Door	375.71
Harker's	Food & Supplies	613.10
Hipp Wholesale Foods, Inc.	Food & Supplies	1,059.89
Holtz, Marcia	Conference/Seminar	27.75
Hometown Leasing	Copier Lease	697.04
Housing Authority-City of Lex	OOR Housing	813.50
Husker Ag Sales	Parts/Supplies	799.19
ICMA	Office Supplies	22.95
Ingram Library Services	Books	921.32
International Code Council	Dues	100.00
Jeffrey Contracting	OOR Housing	1,833.76
Jim Phillips Const.	Cement/Pioneer Park	586.00
Johnson Service Company	Sewer Inspection	1,648.00
Jones Plumbing & Heating	Water Supplies	252.44
Junior Library Guild	Books	280.80
Kinder Morgan	Utilities	150.72

Kriz-Davis Company	Electric Supplies	359.29
Lakeside Country Club	Membership	420.00
Lex Girls Fast Pitch Assoc.	3 On 3/Rec Complex	1,890.00
Lexington Animal Clinic	Animal Care	560.25
Lex Area Solid Waste Agency	Landfill	1,351.80
Lexington Baseball Commission	3 On 3	1,490.00
Lexington Foundation	Building Fund	8,710.20
Lexington Health Fund	Self-funding	26,490.50
Lexington High School	3 On 3	716.06
Lexington Newspapers, Inc.	Advertising	1,026.97
Lexington Postmaster	GGC Postage	150.00
Lexington Public Library	Petty Cash	80.46
Lexington Public Schools	3 On 3	714.67
Lexington True Value	Maint Supplies	594.54
Lexington, City of	Monthly/Franchise Fees	23,934.54
Lexington City Payroll Account	Wages	79,444.24
Social Security	Employer Port/FICA Med	5,963.49
First National Bank	Employer Portion/Pension	2,758.73
First National Bank	Police Pension	1,112.42
ICMA	City Manager Pension	224.00
Linweld	Oxygen	49.62
Luther, Ann	Conference/Seminars	86.63
Lynn Peavey Co.	Supplies	7.98
Marino, Cindy M.	Utility Refund	32.74
Matt Parrott & Sons	Office Supplies	204.74
Mead Big Valley Lumber	Maint Supplies	59.98
Mid-Nebraska Printing	Office Supplies	118.15
Mid-Nebraska Restaurant Supply	Mixer/Supplies	2,013.50
Mid-State Engineering & Testing	WWTP Upgrade	791.50
Miller & Associates	Professional Fees	5,200.00
Morton, Allyn	OOR Housing	2,421.44
National Waterworks	Meter Supplies	3,785.60
NE Health & Human Services	Review Fee	316.65
NE Dept. of Labor	Unemployment	736.00
NE Dept of Revenue	Sales Tax	30,608.09
Nebraska Forest Service	Advertising	100.00
Nebraska Library Commission	Conference/Seminars	35.00
Nebraska Machinery	Maint/Repair	54.67
Nebraska Municipal Power Pool	Dues	1,821.54
Nebraska Public Power District	Power Purchase	383,230.51
NT&T	Phone Service	1,174.71
Nebraska Waste Handlers	Waste Removal	4,489.50
Nelson, Margie L.	Janitorial Service	500.00
Neopost	Postage	1,499.10
Omnigraphics	Books	37.55
Overton Sand & Gravel	Sand/Gravel	722.50
Oxmoor House	Books	16.91
Patty's Hallmark	Office Supplies	100.43
Paulsen Inc.	Concrete	292.46
Peak Interest	3 On 3	464.00
Perez, Jose T.	Utility Refund	75.79
Platte Valley Communication	Radio Repair	391.70
Plum Creek Auto Spa	Car Wash	10.00
Plum Creek Cleaners	Service Contracts	170.00
Plum Creek Promotions	3 On 3/Supplies	1,591.40
Precision Sprinklers	Repair & Startup	565.98

Price's Tree Service	Stump Removal	100.00
Quality Inn & Suites	Conference/Seminars	106.00
Qwest	Library Phone Expense	61.72
Reams Sprinkler Supply	Sprinkler Supplies	473.95
Reed, Mrs. Bob	Cemetery Space	50.00
S&W Auto Parts	Maint/Repair	693.97
Seward, Randell D.	Janitorial Service	400.00
Subway of Lexington	Meeting Expense	26.11
Sunmart	Food & Supplies	48.26
T.L. Sund	Boring Well #13	1,360.00
TASC	Flex Plan	164.00
Taser International	Police Tasers	3,703.21
Taste of Home	Books	23.98
Beran, Todd	Lawn Care	536.00
Tri-City Tribune	Advertising	182.00
Tri-County Hospital	Wellness/Laundry	361.00
Upstart	Books	86.29
Wal-Mart	Office/Shop Supplies	559.85
Ward Laboratories	Water Test	36.00
Wesco Distribution, Inc.	Electric Supplies	916.99
Willard Weinhold Law Office	Attorney Fees	1,200.00
Wolf, Tracy	Equip. Repair	14.00
Zep Manufacturing Co.	Supplies	67.60
Action Target	Police Supplies	100.00
Barnes Distribution	Maint/Repair	276.83
Berntson Oil	Fuel	46.00
Brummet, Jeff	Electric Rebate	300.00
Cash-Wa Distributing	Food & Supplies	646.78
Central Garage	Gas/Diesel	8,302.37
C.B.S.A.	Claims	691.40
D & R Computing	Office Supplies	49.99
Dutton-Lainson Co.	Electric Insulator/Supplies	1,348.94
Eakes Office Products	Library Copier Supplies	146.46
Fagot Refrigeration & Electric	Remodel/Repairs	934.66
Farmer Brothers Coffee	Food & Supplies	104.58
Gall's Inc.	Uniform Expense	9.50
Gomez, Frances	Electric Rebate	300.00
Gillette Dairy	Food & Supplies	131.13
Gnirk Lawn Care	Ground Sterilant	892.50
Harker's	Food & Supplies	154.56
Hipp Wholesale	Food & Supplies	715.04
Ingram Library Services	Books	68.95
Keith, Randal	Electric Rebate	1,475.00
Kinder Morgan	Utilities	508.79
Kriz-Davis Company	Electric Supplies	215.81
Lexington Public Library	Petty Cash	1.75
Lexus	Tree Board	78.85
Lexington True Value	Maint/Repair	21.39
Marlin Leasing Corp.	Mailing Machine Lease	1,072.47
NE Health & Human Services	Review Fee	350.00
Newton, Nancy	Electric Rebate	425.00
OCLC, Inc.	Books	369.50
Petty Cash Fund	Supplies	27.97
Plum Creek Medical Group	TB Test	129.00
T.L. Sund Constructors	Electric Repairs	532.00
S&W Auto Parts	Maint/Repair	25.63

Rinker Materials	Manhole Rings	560.00
Michael Todd & Co.	Supplies	75.58
Wal-Mart	Office Supplies	115.61
	<b>TOTAL:</b>	<b>749,751.72</b>

**SUBDIVISION REQUEST:** Mr. Steve Heldt requested Council’s approval of a Subdivision Request on property located in Lot 3 of Woodward’s Fourth Addition, Lexington, Nebraska. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Subdivision Plat on property located in Lot 3 of Woodward’s Fourth Addition, subject to final approval of the Subdivision Agreement. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**SUBDIVISION AGREEMENT:** Moved by Fagot, seconded by Cook, to table the Subdivision Agreement, due to redevelopment issues. Roll call. Voting “aye” were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

**AQUATIC CENTER  
SPLASH PAD BID:** Dana Daniels, representing Miller and Associates, requested Council’s approval of awarding a contract for construction of the Lexington Aquatic Center Splash Pad to T.L. Sund. Following discussion, moved by Klamm, seconded by Tomasek, to award contract for construction of the Lexington Aquatic Center Splash Pad to T.L. Sund, in the amount of \$24,410. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**SOUTH ADAMS STREET  
IMPROVEMENTS:** Dana Daniels requested Council’s approval of the plans and specifications for the South Adams Street Improvements. Following Mr. Daniels presentation, moved by Klamm, seconded by Tomasek, to approve the plans and specifications for the South Adams Street Improvements, and authorize the advertising for bids upon approval from the State of Nebraska. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch requested Council’s approval of Pay Request No. 8 for the 15 MVA Substation Addition. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 8 for the 15 MVA Substation Addition, to Kayton Electric Inc., in the amount of \$27,360.00. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch requested Council’s approval of Pay Request No. 15 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 15 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$169,973.22. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch requested Council’s approval of Pay Request No. 1 for the Municipal Wastewater Pretreatment Facility. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No 1 for the Municipal Wastewater Pretreatment Facility, to Wanzek Construction, Inc., in the amount of \$616,333.50. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION:**

Peplitsch requested Council's approval of Resolution approving Supplemental Agreement #3 with Nebraska Department of Roads for Lexington Viaduct Project No. STPN-TMT-6555(1). Following discussion, the following Resolution was read before Council. Moved by Klamm, seconded by Tomasek, to approve Resolution No. 04-03 approving Supplemental Agreement #3 with Nebraska Department of Roads for Lexington Viaduct Project No. STPN-TMT-6555(1). Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-03

WHEREAS, the City of Lexington desires to enter into Agreement No. 3 with the State of Nebraska Department of Roads, to proceed with construction of Project No. STPN-TMT-6555(1), Lexington Viaduct, Control No. 61216;

NOW, BE IT RESOLVED by the City Council, City of Lexington, Nebraska, that the Agreement for the above described Project, attached hereto, is hereby approved, and that John Fagot, as President of the Council, is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington, Nebraska.

PASSED AND APPROVED this 13<sup>th</sup> day of April, 2004.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Joe Peplitsch  
City Clerk

**RESOLUTION:**

Peplitsch requested Council's approval of Resolution stating intent to issue tax-exempt bonds, and reimburse certain expenditures for City's Wastewater Treatment Plant Improvement Projects. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution No. 04-04 stating intent to issue tax-exempt bonds, and reimburse certain expenditures for City's Wastewater Treatment Plant Improvement Projects. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-04

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska (the "City"), as follows:

Section 1. The Mayor and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

Improvements to the City's sewage disposal plant and sanitary sewer system to include construction of pretreatment facilities and renovation of existing secondary treatment facilities.

2. The maximum principal amount of debt expected to be issued for such project is \$2,000,000.

PASSED AND APPROVED this 13<sup>th</sup> day of April, 2004.

John Fagot  
Mayor

ATTEST:

Joe Peplitsch  
City Clerk

**RESOLUTION:**

Peplitsch requested Council's approval of a Resolution stating intent to issue tax-exempt bonds, and reimburse certain expenditures for City's Public Library Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution 04-05 stating intent to issue tax-exempt bonds, and reimburse certain expenditures for City's Public Library Project. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-05

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska (the "City"), as follows:

Section 1. The Mayor and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

3. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

Construction, equipping and furnishing of a public library facility to be located in the City.

4. The maximum principal amount of debt expected to be issued for such project is \$1,525,000.

PASSED AND APPROVED this 13<sup>th</sup> day of April, 2004.

John Fagot  
Mayor

ATTEST:

Joe Peplitsch  
City Clerk

**NEBRASKA COMMUNITY  
IMPROVEMENT PROGRAM:**

Peplitsch requested Council's approval of Resolution declaring City of Lexington as an entrant in the NCIP for 2004. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution 04-06 declaring City of Lexington as an entrant in the NCIP for 2004. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION 04-06

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the City Council of the City of Lexington, Nebraska do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

NOW, THEREFORE BE IT RESOLVED, that the City of Lexington urges its citizens to join this effort and hereby declares this City to be an official entrant in the NCIP for the year of 2004.

PASSED AND APPROVED THIS 13<sup>TH</sup> DAY OF APRIL, 2004.

Mayor John Fagot  
Chief Elected Official

ATTEST:

Shirley Lewis  
Deputy City Clerk



**EXECUTIVE SESSION:**

Moved by Salem, seconded by Tomasek, to enter into Executive Session at 7:59 p.m. for the purpose of discussing personnel issues and contract negotiations. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

Moved by Tomasek, seconded by Klamm, to reconvene Regular Session from Executive Session at 8:13 p.m. Roll call. Voting "aye" were Cook, Salem, Klamm, Tomasek, Fagot. Motion carried.

**ROUNDTABLE  
DISCUSSION:**

Peplitsch presented to the City Council, the Governor's Showcase Community Award, that was accepted by Mr. Peplitsch and Deb Jensen, on Monday, April 12, 2004, on behalf of the City of Lexington. This was only one award of two that were presented to a Municipality in the State of Nebraska. The Council expressed their appreciation to the Governor and the State of Nebraska, as well as, the community for their efforts on development over the last decade.

**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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Deputy City Clerk