

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 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. 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 – 06-22-04:** Minutes of the Regular Meeting scheduled for Tuesday, June 22, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Salem, to approve the Minutes of the Regular Meeting held June 22, 2004 as presented. Roll call. Voting “aye” were Cook, Klamm, Salem, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,937,502.72 were 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 \$643,590.46 from the General Fund, \$1,243,432.40 from LEXUS, \$10,000.00 from Sanitation, \$88.97 from Library Memorial, \$27,657.41 from Police Pensions, \$12,733.48 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  
July 13, 2004

Alamar Uniform Company	Shirts & Pants	629.90
All Points Cooperative	Propane	20.07
Alltel	Cellphones	294.17
Arnold Pool Company	Nets	47.80
Associated Supply Company	Supplies	419.79
Automotive Sales & Service	Supplies	18.94
Awards Plus	Medals & Engraving	218.50
Barmore Drug	Supplies	207.22
Barnes Distribution	Supplies	66.30
Berntson Oil	Fuel	3,309.62
Better Homes & Gardens	Book	29.91
Bourbon, Helen	Reimb. Cemetery Spaces	100.00

Byrns Floor Covering	Carpet Installation	3,289.76
Card Center (Orscheln)	Trimmers/Paint	180.87
Case Credit	Connector	3.10
Cash-Wa	Food & Supplies	2,677.41
Central Garage	Fuel & Repairs	11,828.91
Central Fire & Tread	Tire Repair	36.80
Chief Supply	STD Step Chock	237.21
Coca Cola/Dr. Pepper	Food	1,232.00
Conney Safety Products	Supplies	106.25
Corporate Benefit Svcs of America	Claims	26,918.41
Corporate Benefit Svcs of America	Premiums	12,093.05
Culligan Water Conditioning	Water Service	168.18
Dan's Sanitation	Sanitation Fees	12,611.44
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Public Power	Insulator/Well #17 & #18	7,810.77
Dawson County Red Cross	Class	95.00
Dawson County Register of Deeds	Filing Fees	29.50
Dawson Pest Control	Service	27.00
Demco	Supplies	410.07
Diamond Vogel Paint	Paint	755.20
Direct Safety Company	Safety Glasses	184.59
Eakes Office Products	Supplies	361.91
Eddie's Service & Repair	Key	2.00
Eiler's Machine & Welding	Maintenance Supplies	55.97
Electric Fixture	Elect Supplies/Connectors	1,454.21
Fagot Refrigeration	Libr Heat Pump/Supplies	2,730.48
Fairbanks International	Tower Center Pivot	4,500.00
Farmer Brothers Coffee	Food	115.65
Fisher Scientific	Supplies	388.80
Fox Bros. Hay Co.	Tree Grinding	2,437.50
Gale Group	Books	276.30
Gall's	Supplies/Name Tag	193.35
Galvan, Celina	Electric Rebate	1,025.00
Garlic Research Labs	Mosquito Barrier	446.86
Gary's Detail Shop	Car Wash	40.00
Gengenbach, Kevin	Rental	220.00
Gillette Dairy	Food	448.75
Gnirk Lawn Care	Lawn Care	1,199.75
Great Plains One-Call	Locates	134.00
Halsen Products	Safety Supplies	633.79
Hanley Wood Homeplanners	Books	40.63
Harker's	Food	528.73
Hipaanswers	Renewal	695.00
Hipp Wholesale Foods	Food & Supplies	1,127.13
Hometown Leasing	Copier lease	697.04
Horizons, Inc.	Aerial Photograph	4,000.00
Husker Ag Sales	Pump & Gasket	40.24
Ingram Library Services	Books	881.69
Int. Municipal Lawyers Assoc.	Membership	480.00
Johnson Controls	Boiler Repair	400.00
Johnson, Ryan	Electric Rebate	1,350.00
Jones Plumbing & Heating	Aquatic Center Repairs	1,800.06
Kapco	Supplies	50.48
Keim, Bob	Freon Removal	315.00
Kinder Morgan	Gas Service	7,504.52
Kriz-Davis Company	Armor Rod	693.13

Lemons, Dr. Leo	Book	25.00
Lexington Animal Clinic	Animal Care	740.05
Lexington Area Solid Waste	Special Waste	1,415.16
Lexington Glass	Repairs	81.00
Lexington Health Fund	Self-funding	25,607.49
Lexington Newspapers	Publications	212.87
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash	48.69
Lexington Recreation Program	Softball Start Up	3,275.00
Lexington Truck & Auto	Repairs	125.00
Lexington True Value	Supplies	291.31
Lexington, City of	Monthly Fees	23,894.31
Lexington City Payroll Account	Wages	105,366.72
Social Security	Employer Port/FICA Med	7,949.97
First National Bank	Employer Portion/Pension	2,790.68
First National Bank	Police Pension	1,094.37
ICMA	City Manager Pension	231.84
Lien Lawn Service	Aquatic Center	700.00
Lincoln Tent, Co.	Dugout Covers	1,179.15
Linn, Paul	Repairs	267.50
Lundeen-Isaacson Inc.	Ambulance Insurance	138.00
M B A	Refund	90.56
Mac's Short Stop	Food	223.38
Marlin Leasing	Postage Machine	570.16
Matt Parrott and Sons	Office Supplies	113.82
Mead Rental Center	Supplies	21.90
Mead/Big Valley Lumber	Maintenance Supplies	613.86
Mid-Nebraska Printing	Office Supplies	278.78
Mid-State Engineering	WWTP Testing	60.00
Milco Environmental Service	Annual Air Inventory	500.00
Miller & Associates	WWTP Const. Service/ Retainer Fee	57,360.28
Mills, Barbara	Seminar Reimbursement	78.75
Mr. Automotive	Supplies	44.38
Naputi, Jesus	Federal Court Expense	39.08
National Wildlife Federation	Subscription	17.00
NE Dept. of HHS Laboratory	Coliform	168.00
Nebraska Community Foundation	Membership	1,900.00
NE Dept of Labor	Unemployment	1,196.00
Nebraska Library Commission	Workshop	15.00
Nebraska Power Review Board	Annual Fees	817.48
Nebraska Public Power District	Power Purchase	598,838.68
N. T. & T.	Telephones	1,401.70
Nebraska Waste Handlers	Sludge Removal	4,489.50
Nebraskaland Tire	Tire	86.60
Nelson, Margie	Janitorial Service	500.00
Olsson Associates	I-80 Access/ Hwy 283 Study	1,789.11
Omaha World Herald	Advertising	398.03
Overton Sand & Gravel	Sand & Gravel	516.50
Paulsen Inc.	Concrete	69.02
Peak Interest	Meeting Expense	41.97
Platinum Plus for Business	Supplies	66.82
Platte Valley Collections	Collection Fees	36.48
Platte Valley Communications	Sirens/Radios/Repairs	26,051.86
Plum Creek Auto Spa	Car Wash	10.00

Plum Creek Cleaners	Cleaning Service	325.00
Plum Creek Medical Group	Medical Expense	80.00
Plum Creek Promotions	Shirts	929.22
Precision Sprinklers	Maint./Repair	355.35
Qwest	Phone Expense	61.72
R. C. Booth Enterprises	Books	30.00
Recorded Books	Books	145.57
S & W Auto Parts, Inc.	Supplies	1,043.73
Schwan's Sales Ent	Food	111.90
Security First Bank	Wilkinson/TIF	22,851.76
Service Master Mid Nebraska	Cleaning Service	180.00
Seward, Randell	Cleaning Service	400.00
Sign Pro	Signs/GGC	468.00
Smets, Brent	CDL Reimbursement	55.00
Subway of Lexington	Food	23.73
SunMart #763	Food	39.88
T.O. Haas Tire Company, Inc.	Tires/ Repair	338.50
TASC	Flex Plan	144.00
Taste Of Home	Books	47.96
Telegraph	Advertising	37.96
Tom's Liquor	Minnows	96.00
Total Lawn Care	Lawn Care	1,072.00
Tri-City Tribune	Advertising	278.00
Tri-County Hospital	Wellness	210.00
U-Save Business Equipment	Office Supplies	102.27
Utility Equipment	Supplies/Parts	107.88
Van Diest Supply Company	Anvil 2+2	1,518.00
Viking Office Products	Office Supplies	44.86
Wal-Mart	Supplies	628.93
Wesco Distribution, Inc.	Supplies	1,129.39
Willard Weinhold Law Office	Attorney Fees	1,200.00
Zep Manufacturing Company	Supplies	43.88
Card Center/Orscheln	Supplies	25.98
Cash-Wa Distributing	Food & Supplies	1,370.46
Coca Cola/Dr. Pepper of Kearney	Beverages	33.00
Corporate Benefit Svcs of America	Claims	-100.00
Eakes Office Products	Office Supplies	17.96
Eilers Machine & Welding	Repair	117.70
Electric Fixture & Supply Co.	Supplies	-67.86
EMS Billing Services, Inc.	Ambulance Billing	853.30
Fireguard Inc.	Air Packs	10,760.00
Gall's Inc.	Supplies	73.80
Gillette Dairy	Food	38.60
Hall, Debra L.	Book	15.00
Hipp Wholesale Foods, Inc.	Food	-27.50
Ingram Library Services	Books	71.29
Investment Property Exchange Inc.	Appraisal Fee	1,500.00
Johnson Service Company	Manhole Repair	1,430.00
Kinder Morgan	Gas Service	6.15
Lexington Public Library	Petty Cash	2.70
Lexington City Payroll Account	Wages	104,497.09
Social Security	Employer Port/FICA Med	7,883.48
First National Bank	Employer Portion/Pension	2,866.45
First National Bank	Police Pension	1,138.55
ICMA	City Manager Pension	231.84
Mead/Big Valley Lumber	Maint. Supplies	268.78

Med-Tech Resources, Inc.	Supplies	153.97
Nat. Assoc. of Purchasing Mgt	Membership Dues	130.00
Nebraska Department of Revenue	Sales & Use Tax	34,304.72
Nebraska Library Commission	Conference/Seminars	5.00
Petty Cash Fund	Petty Cash	53.99
Platte Valley Communications	Maint./Repair	182.00
Plum Creek Motors	Maint./Repair	183.19
Romero, Jose	Electric Rebate	900.00
Schwan's Sales Ent	Food	90.91
SunMart	Food/Supplies	10.16
S & W Auto Parts, Inc.	Maint. Supplies	19.98
Terrascan Inc.	Mapping Software	2,400.00
The Old 101 Press	Books	66.80
Unitech	Supplies	147.00
U-Save Business Equipment	Office Supplies	26.49
Wal-Mart	Supplies	154.16
You And The Law	Subscription	154.95
	<b>TOTAL:</b>	<b>171,990.09</b>

**PUBLIC COMMENT PERIOD:**

Councilman Salem introduced the Lexington Thunder Softball Team who has won numerous Awards and Trophies during their Summer Softball Season. Also introduced were their Coach Doug Monter, and several other assistants. Mayor Fagot thanked them for coming, and congratulated them on a great season. Following Mayor Fagot's comments, a Trophy presentation was made by the Team for display at the Optimist Recreation Complex.

**RESOLUTION:**

Peplitsch requested Council's approval of a Resolution creating the Community Development Advisory Board. Following discussion, the following Resolution was read before Council. Moved by Klamm, seconded by Salem, to approve Resolution No. 04-09 creating the Community Development Advisory Board. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-09

A RESOLUTION OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AUTHORIZING AND DIRECTING THE CREATION OF THE COMMUNITY DEVELOPMENT ADVISORY BOARD.

WHEREAS, the growth of the economy of the City of Lexington is critical to the city's ability to grow and prosper in the future; and

WHEREAS, it is vital for Lexington to develop techniques that will encourage this necessary economic growth; and

WHEREAS, it is important to have public input, direction, and education in the planning and implementation of community development activities; and

WHEREAS, the Mayor and City Council desire to proceed into the future with organized community development efforts within and surrounding Lexington;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF LEXINGTON THAT:

1. The Community Development Advisory Board (CDAB) is created to review, advise, and give direction on general policy and planning pertaining to community development activities; and
2. The CDAB shall consist of six (6) members, which individuals shall be the Lexington City Manager, the Lexington Chamber of Commerce Director, the Greater Lexington Corporation President, the Council for Economic Development (CED) President, CED Vice President, and the CED Treasurer; and
3. The CDAB shall meet monthly to discuss community development issues initiated by public and private organizations, and participate in City planning activities when scheduled; and
4. The CDAB shall elect within its membership a Chairman and Vice-Chairman on an annual basis; and
5. The CDAB shall report to the City Council on a monthly basis of findings and recommendations pertaining to community development policy; and
6. The CDAB shall receive an annual allocation of funds necessary to carry out its duty; and
7. The operation of the CDAB shall commence upon adoption of this Resolution and continue until terminated by a majority vote of the City Council.

Passed and approved this 13<sup>th</sup> day of July, 2004.

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**SUBDIVISION AGREEMENT:** Peplitsch requested Council's approval of a Subdivision Agreement for the Replat of Lot 3, Woodward's Fourth Addition, owned by Mr. Steve Heldt. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Subdivision Agreement for the Replat of Lot 3, Woodward's Fourth Addition. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

**PAY REQUEST:** Peplitsch requested Council's approval of Pay Request No. 20 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 20 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$307,229.80. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch requested Council’s approval of Pay Request No. 10 for the 15 MVA Substation Addition. Following discussion, moved by Tomasek, seconded by Klamm, to approve Pay Request No. 10 for the 15 MVA Substation Addition, to Kayton Electric, Inc., in the amount of \$75,988.20. Roll call. Voting “aye” were Salem, Cook, Klamm, Tomasek, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch requested Council’s approval of Pay Request No. 4 for the Municipal Wastewater Pretreatment Facility. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 4 for the Municipal Wastewater Pretreatment Facility, to Wanzek Construction, Inc., in the amount of \$344,519.46. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**RESOLUTION:**

Peplitsch requested Council’s approval of a Resolution approving an Agreement with the Nebraska Department of Roads. Following discussion, the following Resolution was read before Council. Moved by Salem, seconded by Tomasek, to approve Resolution No. 04-10 approving an agreement with the Nebraska Department of Roads for Project No. SPR-PL-1(42). Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 04-10

WHEREAS, the City of Lexington desires to enter into an Agreement with the State of Nebraska for Project No. SPR-PL-1 (42), FY 2005 Comprehensive Plan Update.

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 July 13, 2004.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**DAD BOARD REPRESENTATIVE:**

Mayor Fagot requested Council’s approval of a Resolution reappointing Patty Johnson to the Dawson Area Development Board. Following discussion, the following Resolution was read before Council. Moved by Salem, seconded by Tomasek, to approve Resolution No. 04-11 reappointing Patty Johnson to the Dawson Area Development Board. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 04-11

A RESOLUTION APPOINTING REPRESENTATIVE TO THE  
DAWSON AREA DEVELOPMENT ASSOCIATION.

WHEREAS, the City of Lexington is a member of the Dawson Area  
Development Association; and

WHEREAS, it is necessary to adopt a Resolution to appoint a  
representative to serve on the governing body of the Dawson Area  
Development Association.

BE IT THEREFORE RESOLVED that Patty Johnson is hereby  
appointed as the representative of the undersigned political subdivision  
to serve on the Dawson Area Development Association Board. Such  
representation to be effective July 27, 2004, and continue until a  
successor has been appointed.

PASSED AND APPROVED this 27<sup>th</sup> day of July, 2004.

City of Lexington

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**ADJOURNMENT:**

There being no further business to come before 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