

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 27, 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 – 07-13-04:** Minutes of the Regular Meeting scheduled for Tuesday, July 13, 2004 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held July 13, 2004 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$392,175.51 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 \$210,239.08 from the General Fund, \$125,734.81 from LEXUS, \$21,320.09 from Sanitation, \$27,942.36 from Health Fund, \$6,939.17 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  
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	Elec 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>

**REZONING AND  
SUBDIVISION REQUEST:**

Mayor Fagot opened the Public Hearing. Frank Hennigan requested Council's approval of a Rezoning and Subdivision Request on his property located at 140 East River Road, Lexington, NE. Following discussion Mayor Fagot closed the Public Hearing.

Moved by Klamm, seconded by Tomasek, to approve the Subdivision Request by Frank Hennigan on property located at 140 East River Road, Lexington, NE. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to approve Lakota Landing Final Plat, a Subdivision of part of Government Lots 4 and 5, Section 20, Township 9 North, Range 21 West of the 6<sup>th</sup> P.M., Dawson County, Nebraska. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

An Ordinance entitled "AN ORDINANCE TO REZONE LAKOTA LANDING SUBDIVISION FROM A-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT WHEREWITH; 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 requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2184 on Final Reading. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Dana Daniels, representing Miller and Associates, requested Council's approval of Pay Request No. 1 for the South Adams Street Improvement Project. Following discussion, moved by Klamm,

seconded by Tomasek, to approve Pay Request No. 1 for South Adams Street Improvements to Paulsen, Inc., in the amount of \$218,040.97. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch requested Council's approval of Pay Request No. 21 for the Lexington Viaduct Project. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request No. 21 for Lexington Viaduct, to Paulsen, Inc., in the amount of \$266,274.85. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

**RESOLUTION:**

Peplitsch requested Council's approval of a Joint Resolution with the Community Redevelopment Authority on the Cattlemen Drive Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution Number 04-13. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

JOINT RESOLUTION NO. 04-13

WHEREAS, the Community Redevelopment Authority (CRA) has adopted a redevelopment plan for Redevelopment Area #1; and

WHEREAS, the CRA has determined that a portion of Cattlemen's Drive should be widened to provide safe turning lanes for access to new commercial business development along said Cattlemen's Drive; and

WHEREAS, the CRA has obtained bids to complete said widening for the amount of \$24,565.00, which amount can be paid with tax increment financing funds receivable from Redevelopment Area #1;

It is therefore jointly resolved by the Board of the Community Redevelopment Authority of the City of Lexington, Nebraska, and the City Council of the City of Lexington, Nebraska, (City) as follows:

1. That the Lexington City Manager is hereby authorized, on behalf of City and CRA, to enter into a contract with Paulsen, Inc., for the widening of Cattlemen's Drive for the sum of \$24,565.00, said construction to be a joint project between City and CRA.
2. That the cost of such widening shall be paid from City funds, and CRA guarantees reimbursement to City to be paid as tax increment financing funds from Redevelopment Area #1 are collected.

Passed and approved July 22, 2004.

Community Redevelopment Authority of Lexington, Nebraska

By: W. Wesley Lubberstedt

Passed and approved July 27, 2004.

City of Lexington, Nebraska

By: John Fagot

ATTEST:

Shirley Lewis, Deputy City Clerk

**AIRPORT BUDGET:**

Peplitsch requested Council's approve of a Resolution allocating levy authority for the Lexington Airport Authority for fiscal year 2004-2005. Following discussion, moved by Salem, seconded by Klamm, to approve Resolution No. 04-15. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

RESOLUTION NO. 04-15

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$83,300.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2004-2005.

Passed and approved this 27<sup>th</sup> day of July, 2004.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**VOTED GENERAL  
OBLIGATION BONDS:**

Jim Fox, representing Ameritas, requested Council's approval of an Ordinance authorizing the issuance of General Obligation Bonds Series 2004. Following discussion, an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,525,000) FOR THE PURPOSE OF CONSTRUCTING EQUIPPING AND FURNISHING OF A PUBLIC LIBRARY FACILITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM" was read before Council. Moved by Klamm, seconded by Tomasek, that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Tomasek, to adopt Ordinance Number 2185 on Final Reading. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**LIBRARY:**

Paul Kelly, representing BCDM made a presentation on the Building Plans for the 18,500 square foot Public Library Project. Mr. Kelly's presentation included changes from the original. Following Mr. Kelly's presentation, discussion was held regarding the funding for the project, which current construction estimate is \$2.856 Million, up from the original \$2.5 Million estimate. Moved by Cook, seconded by Klamm, to proceed to bidding the Library Project, based on the plans as presented; funding to be provided by \$1,500,000 of bond proceeds, and \$300,000 from the City General Fund, as previously stated in a motion passed by the Lexington City Council on October 28, 2003. Further, that the remaining costs to be incurred be paid by the Thanks A Million Chapter II Campaign, up to a total of \$2.856 Million Dollars. Finally, it is acknowledged that the City contribution of \$300,000 from the General Fund is exclusive of all costs to date, and that in the event the project bids are less than the cost estimates presented tonight, the City will have the right to reduce its contribution on a dollar for dollar basis, up to a maximum of \$300,000. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook. Voting "nay" was Fagot. Motion carried.

**FINANCIAL REPORT:**

Peplitsch requested Council's acceptance of the Financial Report for June, 2004. Following discussion, moved by Klamm, seconded by Cook, to accept the Financial Report for June, 2004. Roll call. Voting "aye" were Tomasek, Salem, Cook, Klamm, Fagot. Motion carried.

**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