

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 14, 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, Rick Klamm, John Salem, Steve Tomasek. Absent was Councilman Ted Cook. City Officials present were City Manager Joe Pepplitsch, 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 – BUDGET WORKSHOP – 08-24-04: Minutes of the Budget Workshop scheduled for Tuesday, August 24, 2004 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Budget Workshop held August 24, 2004 as presented. Roll call. Voting “aye” were Klamm, Tomasek, Salem, Fagot. Motion carried.

MINUTES – REGULAR MEETING – 08-24-04: Minutes of the Regular Meeting scheduled for Tuesday, August 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 August 24, 2004 as presented. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 09-08-04: Minutes of the Special Meeting scheduled for Wednesday, September 8, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Tomasek, to approve the Minutes of the Special Meeting held September 8, 2004 as presented. Roll call. Voting “aye” were Salem, Klamm, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,990,241.58 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 \$424,913.22 from the General Fund, \$1,509,383.52 from LEXUS, \$10,000.00 from Sanitation, \$12,009.59 from Landfill, \$131.46 from Library Memorial, \$24,925.29 from Health Fund, \$8,878.50 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 14, 2004

ABC Audiobooks for Children, Inc.	Books	331.20
All Points Cooperative	Weed Killer	687.15
Alltel	Cellphone Service	163.28
Arnold Pool Company	Pool Supplies	131.95
Barmore Drug	Office Supplies	64.99
Berntson Oil	Fuel	3,892.25
Better Homes And Gardens	Book	17.43
Bottom Line/Health	Subscription	29.95
Bound Tree Medical LLC	BP Monitor/Cities half	2,286.71
Brin, Bernita	Food Seminar	28.50
Brown, Harold	Tool Allotment	50.00
Brummet, Elberta	Mileage	127.50
Business & Professional Credit	Collection Fees	131.01
Card Center (Orscheln)	Parts/Supplies	428.97
Case Credit Advantage	Freight on Previous Order	7.95
Cash-Wa	Food & Supplies	1,235.35
CCP Industries Inc.	Cleaning Supplies	306.19
Central Community College	Tuition/Brecks	348.00
Central Garage	Maint./Repairs	9,848.60
Collegiate Pacific	Soccer Flags	153.90
Corporate Benefit Svcs of America	Claims	23,184.25
Corporate Benefit Svcs of America	Premiums	14,719.78
Cosmopolitan	Subscription	19.95
Culligan Water Conditioning Co	Water Service	207.28
Dan's Sanitation	Sanitation Fees	12,734.44
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Court	Court Fees	40.00
Dawson County Public Power Dist.	Electricity	5,695.18
Dawson County Register of Deeds	Filing Fees	48.50
Dawson County Road Department	Grader Blades	270.00
Dawson Pest Control	Bldg. Maintenance	27.00
Demco	Library Supplies	189.49
Depository Trust Co.	2002 Combined Utilities	
	Bond Principle & Int Pmt.	708,175.00
Diamond Vogel Paint	Paint	79.28
Dutton-Lainson Company	Electrical Supplies	1,162.57
Eakes Office Products	Office Supplies	59.98
Electric Fixture	Electric Supplies	4,825.00
Estex Manufacturing Co, Inc.	Shop Supplies	502.91
Fagot Refrigeration & Electric	Electric Repair/Maint.	5,912.22
Farmer Brothers Coffee	Food	68.40
First Source	Billing Supplies	1,029.20
Fisher Scientific	Misc. Supplies	1,081.55
Gall's Inc.	Uniform Expense	235.14
Gary's Detail Shop	Car Wash	80.00
General Binding Corporation	Copier Expense	90.33
Gengenbach, Kevin	Rental	220.00
Gillette Dairy	Dairy Products	274.06
Great Plains One-Call Service	Locates	98.15
Hach Company	Cleaning Supplies	312.20
Harker's	Food	929.79
Hastings Fiber Glass Products Inc.	Repair Supplies	139.58
Hipp Wholesale Foods, Inc.	Food & Supplies	657.17
Hobart	Supplies	26.65
Holmes Plbg & Htg Supply Co	Supplies	203.34

Hometown Leasing	Copier Lease	697.04
Husker Ag Sales	Maintenance Supplies	303.16
I. A. E. I. , Ne. Chapter	Conference	109.00
Ideals Publications, Inc.	Subscription	19.95
Ingram Library Services	Books	369.06
International Code Council	Code Software	58.99
Jones Plumbing & Heating	Water Supplies/ WWTP Repairs	1,693.03
Keim, Bob	Freon Removal	180.00
Kinder Morgan	Gas Service	6,497.13
Kirby Sales & Service	Cleaning Supplies	21.00
Knapp Electric	Repair Supplies	454.90
Kriz-Davis Company	Meter	509.00
Lab Safety Supply	First Aid Supplies	41.32
Lexington Animal Clinic	Animal Care	1,291.40
Lex Area Solid Waste Agency	Special Waste Expense	1,235.52
Lexington Baseball Commission	Ads For State Baseball	677.00
Lexington Health Fund	Self-funding	25,350.00
Lexington Newspapers	Publications	1,189.66
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash	46.25
Lexington Recreation Program	Soccer Officials	3,000.00
Lexington Truck & Auto	Truck Parts	475.00
Lexington True Value	Misc. Supplies	112.25
Lexington, City of	Service Fees	20,403.76
Lexington City Payroll Account	Wages	89,290.95
Social Security	Employer Port./FICA Med	6,721.12
First National Bank	Employer Portion/Pension	2,844.04
First National Bank	Police Pension	1,132.85
ICMA	City Manager Pension	231.84
Library Video Company	Videos	1,183.38
Lien Lawn Service	Lawn Care	875.00
Linweld	Medical Supplies	49.62
Mac's Short Stop	Food	10.36
Marlin Leasing Corp.	Mail Machine Payment	570.16
Martin Electric	Light Repair/Fire Hall	83.50
Martin, Joel E.	Overpayment on Account	29.17
Matt Parrott And Sons Company	Utilities Supplies	464.18
Mead Rental Center	Rototiller	34.85
Mead/Big Valley Lumber	Maintenance Supplies	714.00
Medicaid	Ambulance Fees/Refund	35.12
Mediapro	Videos	385.00
Meyer-Century Labs	Cleaning Supplies	69.24
Micro-Marketing, LLC	Books	18.10
Mid Con Systems, Inc.	Cleaning Supplies	178.65
Mid-Nebraska Printing	Office Supplies	315.96
Milco Environment Services Inc.	Landfill/Analysis	12,009.59
Miller & Associates	Industrial Park/Watermain & Paving	217.00
Milliman	Actuarial Valuation	850.00
Movies Unlimited	Movies	80.45
Mr. Automotive	Repair Supplies	18.95
Municipal Supply	Repair Supplies	1,028.80
National Pen Corporation	Office Supplies	47.52
NE Dept. of Environmental Control	Renewal Fee	150.00
Nebraska Library Association	Office Supplies	20.00

Nebraska Library Commission	Products & Services	977.00
Nebraska Public Power District	Power Purchase	608,106.60
Nebraska Tech & Telecomm, Inc.	Phone Service	1,097.94
Nebraska Waste Handlers	Sludge Removal	5,146.50
Nelson, Margie L.	Cleaning Service	500.00
Olsson Associates	15mVA Substn. Add./ 180 Corridor Elect. Syst./ IBP Sub.	4,914.95
Omnigraphics, Inc.	Book	190.00
Overton Sand & Gravel	Gravel	175.00
Oxmoor House	Book	14.90
Paulsen Inc.	Concrete	2,326.98
Peak Inc.	Food	43.97
Platinum Plus For Business	Cleaning Supplies	292.00
Platte Valley Auto Mart	Repair/Maintenance	283.79
Platte Valley Communications	Repair/Maintenance	215.19
Plum Creek Auto Spa	Car Wash	5.00
Plum Creek Medical Group	Medical Expense	267.00
Precision PC	Library/Administration Computer Maintenance	5,555.00
Qwest	Phone Service	61.39
Reams Sprinkler Supply Company	Sprinkler Repair	279.12
Richardson, Calvin	Uniform Expense	10.27
S & W Auto Parts, Inc.	Central Garage Supplies	363.47
Schwan's Sales Ent	Food	70.43
Security First Bank	Wilkinson Development/ TIF Payment	22,851.76
Seward, Randell	Cleaning Service	400.00
SF Travel Publications	Book	103.95
Sign Pro	Sign/Skate Park	80.00
Signal Equipment Company	Street Equipment	48.31
Solomon Corporation	Transformer	3,650.00
Specialty Store Services, Inc.	Office Supplies	53.94
Subway of Lexington	Food	26.34
SunMart #763/Sixth Street	Food	40.41
T.O. Haas Tire Company, Inc.	Tires/ Repair	13.00
TASC	Flex Plan	144.00
Telegraph	Subscription Renewal	129.95
Thayer, Jim	Uniform Expense	26.66
Total Lawn Care	Lawn Care	1,340.00
Travelers Property Casualty	Insurance Premium	3,662.00
Tri-County Hospital	Wellness	210.00
U-Save Business Equipment	Office Supplies	312.74
Union Pacific Railroad Company	Adams & Madison Crossing Closures	66,793.05
Upstart	Books	37.01
Wal-Mart	Supplies	902.78
Wesco Distribution, Inc.	Electrical Supplies	2,742.37
Willard Weinhold Law Office	Attorney Fees	1,476.15
Wilson Bohanna Company, The	Maintenance Supplies	288.98
Baird, Holm, McEachen, Pedersen	Bond Services	1,906.25
Beachy, Mark	Electric Rebate	1,025.00
Beringer Ciaccio Dennell Mabrey	Library Project	23,485.15
Bound Tree Medical LLC	Medical Supplies	85.50
Campus Bookstore #256	Books	192.75
Card Center	Misc. Supplies	54.98

Corporate Benefit Svcs of America	Claims	1,597.04
Dawson County Handibus	Transportation	110.00
Electric Fixture	Electric Supplies	42.28
Fisher Scientific	Testing Supplies	-39.44
Ingram Library Services	Books	37.03
Island Supply Company, The	Air Tanks	280.75
Kinder Morgan	Gas Service	8.84
L E Renner	Tennis Court Resurfacing	23,200.00
Lexington Public Library	Petty Cash	5.40
Lexington Newspapers	Publications	172.22
Lexington True Value	Misc. Supplies	15.99
Martinez, Juan	Electric Rebate	125.00
Mead / Big Valley Lumber	Misc. Supplies	112.30
Miller & Associates	Project Services	159,036.79
Mid-Nebraska Printing	Office Supplies	137.31
Nebraska Department of Revenue	Sales Tax	37,791.79
Neopost	Postage	1,500.00
Newman Traffic Signs	School Crossing Signs	431.00
OMB Police Supply	Uniform Expense	1,176.99
Petty Cash Fund	Petty Cash	36.61
Plum Creek Promotions	Shirts/Soccer	3,148.75
Quill Corporation	Office Supplies	359.19
Reliable	Office Supplies	96.25
S & W Auto Parts, Inc.	Repair/Parts	3.88
Service Master Mid Nebraska	Janitorial Service	48.00
Sign Shop, The	Tennis Court Signs	150.00
Skarshaug Testing	Testing Service	68.92
Taser International	Taser Cartridge	746.80
Tri-County Hospital	Laundry Service	1,095.00
Vivas, Dora	Electric Rebate	125.00
Wal-Mart	Misc. Supplies	173.36
Wesco Distribution, Inc.	Electric Supplies	433.35
Western Engineering Co, Inc.	Asphaltic Compound	437.40
Winters, Mike	Electric Rebate	125.00
	TOTAL:	1,990,241.58

**WAIVER OF
OBJECTION:**

Nancy Hundley, representing Calvin and Carol Stock, requested Council's approval of a Waiver of Objection on a Lot Split on property located at 75791 Road 432, Lexington, NE. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Waiver of Objection to a Lot Split on property located at 75791 Road 432, Lexington, NE. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

SUBDIVISION REQUEST:

Steve Heldt, representing M & H Enterprises and other various owners, requested Council's approval of a Resolution approving a Subdivision Request by M & H Enterprises, for Parkview Addition located at 18th Street and Park Drive, Lexington, NE. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 04-17 approving Subdivision Request by M & H Enterprises, for Parkview Addition located at 18th Street and Park Drive, Lexington, NE. Roll call. Voting "aye" were Tomasek, Salem Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-17

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of PARKVIEW ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, accepted, and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter the Addition shall be and remain a part of the City of Lexington, Nebraska, and shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED September 14, 2004.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

SUBDIVISION AGREEMENT: Steve Heldt, representing M & H Enterprises, and other various owners, requested Council's approval of a Subdivision Agreement for Parkview Addition located at 18th Street and Park Drive, Lexington, NE. Following discussion regarding Sidewalks, Sewer and Water, Public Streets, and Tax Increment Financing, moved by Klamm, seconded by Salem, to redraft the Subdivision Agreement with the changes discussed, and approve the issuance of a Building Permit for Parkview Baptist Church, located on Lot 1, Block 2 of Parkview Addition. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested Council's approval of Pay Request No. 6 for Municipal Wastewater Pretreatment Facility. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request No. 6 for the Municipal Wastewater Pretreatment Facility, to Wanzek Construction, Inc., in the amount of \$335,164.72. Roll call. Voting "aye" were Tomasek, Klamm, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested Council's approval of Pay Request No. 24 for Lexington Viaduct Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 24 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$476,198.04. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION: Peplitsch requested Council's approval of a Resolution to approve the Modification of the Redevelopment Contract and Promissory Notes Series A. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 04-18 to approve the Modification

of Redevelopment Contract and Promissory Notes Series A, and authorize the executive of said document. Roll call. Voting "aye" were Klamm, Salem, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 04-18

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

Section 1. The Mayor and Council hereby find and determine: that the City has previously entered into a Redevelopment Contract (the "Agreement") dated as of July 30, 2002, by and among the City, the Community Redevelopment Authority of the City of Lexington, Nebraska, (the "Authority") and Cornhusker Energy Lexington, LLC (the "Redeveloper"); that pursuant to the Agreement there have been executed and delivered the following notes:

- 1) to the Authority by the Redeveloper its Promissory Note (Series A) dated September 5, 2003 in the principal amount of \$600,000 bearing interest at 4.00% per annum (the "Redeveloper Note") which has been endorsed to the City; and
- 2) to the City by the Authority its Promissory Note (Series A) dated September 5, 2003 in the principal amount of \$600,000 bearing interest at 4.00% per annum (the "Authority Note");

that in connection with the issuance of the City's Combined Utilities Revenue Bonds, 2004 Series, in the principal amount of \$2,205,000 (the "Bonds"), the City must reduce the amount of payments to be received by the City pursuant to the Agreement, the Redeveloper Note and the Authority Note; that for such purposes there has been prepared and presented an agreement entitled "Modification of Redevelopment Contract and Promissory Notes Series A" (the "Modification") to be entered into by and among the City, the Authority and the Redeveloper; and that the Modification, in the form presented, is hereby approved and its execution and delivery by the Authority should be authorized.

Section 2. The Mayor is hereby authorized to execute and deliver on behalf of the City the Modification in substantially the form presented in connection with the adoption of this resolution but with any such changes as such officer executing on behalf of the City shall determine appropriate for and on behalf of the City.

Section 3. The resolution is hereby determined to be a measure necessary to carry out the City's contractual obligations with respect to the Bonds and the sale and issuance thereof and shall be in force and take effect immediately from and after its passage and approval by the Mayor and Council.

Passed and Approved this 14th day of September, 2004.

John Fagot, Mayor

Attest:

Joe Peplitsch, City Clerk

**ALL-HAZARDS MITIGATION
PLAN AGREEMENT:**

Pepplitsch requested Council’s approval of an agreement between the Nebraska Department of Natural Resources and the City of Lexington for the completion of an all-hazards mitigation plan. Following discussion, moved by Klamm, seconded by Salem, to approve an agreement between the Nebraska Dept. of Natural Resources and the City of Lexington for the completion of an all-hazards mitigation plan. Roll call. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

**5th AND JACKSON STREET
INTERSECTION:**

Pepplitsch requested Council’s approval of a Resolution requesting State of Nebraska Dept. of Roads to consider removing left turn restrictions from the intersection of 5th Street and Jackson Street. Following discussion, moved by Klamm, seconded by Tomasek, to approved Resolution No. 04-19 requesting State of Nebraska Dept. of Roads to consider removing left turn restrictions from the intersection of 5th Street and Jackson Street. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-19

WHEREAS, the Lexington City Council believes that opening of the Adams Street overpass will relieve traffic congestion in the Area of the Jackson Street overpass, and that left turn restrictions are no longer required.

BE IT THEREFORE RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that request is hereby made for the State of Nebraska Department of Roads to consider removing left turn restrictions from the intersection of 5th Street and Jackson Street.

Passed and approved this 14th day of September, 2004.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Joe Pepplitsch, City Clerk

**MADISON STREET
STOP SIGNS:**

Pepplitsch requested Council’s approval of a Resolution to repeal the stop sign changes and restore normal traffic patterns to the Madison Street area. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution 04-20 to repeal the stop sign changes and restore normal traffic patterns to the Madison Street area. Roll call. Voting “aye” were Klamm, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 04-20

Whereas, Code Section 16-14 gives the City Council authority to revise the location of stop signs by Resolution and it is necessary to repeal the stop sign changes accomplished by Resolution 98-11, passed July 28, 1998, to restore normal traffic patters to the Madison Street area;

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

That Resolution Number 98-11, adopted July 28, 1998, is hereby repealed, and the City Manager is hereby directed to restore the stop signs existing prior to adoption of said Resolution.

Passed and approved September 14, 2004.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**7th AND ONTARIO STREET
STOP SIGNS:**

Peplitsch requested Council's approval of a Resolution authorizing and directing City Manager to install stop signs along 7th Street and Ontario Street. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution No. 04-21 authorizing and directing City Manager to install stop signs along 7th Street and Ontario Street. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-21

Whereas, Code Section 16-14 gives the City Council authority to revise the location of stop signs by Resolution.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA S FOLLOWS:

That the Lexington City Manager is hereby authorized and directed to install stop signs along 7th Street and Ontario Street so as to give the right-of-way to traffic traveling Highway 21 from Highway 30 to Adams Street.

Passed and approved September 14, 2004.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**ADAMS STREET
SPEED LIMIT:**

Peplitsch requested Council's approval of an Ordinance to provide for amended speed limits on Adams Street. Following discussion, an Ordinance entitled "AN ORDINANCE TO AMEND SECTION 16-41 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR AMENDED SPEED LIMITS ON ADAMS STREET; TO REPEAL ORIGINAL SECTION 16-41, 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 Salem, seconded by Tomasek, to suspend the rules requiring

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

Said Ordinance was read by titled. Moved by Salem, seconded by Tomasek, to adopt Ordinance No. 2187 on Final Reading. Roll call. Voting “aye” were Klamm, Tomasek, Salem, Fagot. Motion carried.

**ADAMS STREET
RESTRICTED PARKING:**

Peplitsch requested Council’s approval of an Ordinance to restrict parking on Adams Street from Walnut Street north. Following discussion, and Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING ON ADAMS STREET FROM WALNUT STREET NORTH; 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 Salem, seconded by Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting “aye” were Klamm, Tomasek, Salem, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2188 on Final Reading. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

**LEXINGTON PUBLIC
LIBRARY BID:**

Peplitsch requested Council accept a bid and award the contract for construction of the Lexington Public Library. Following discussion, moved by Klamm, seconded by Tomasek, to award the contract to Lacy Construction for the base bid and alternates one through four, for the bid amount of \$2,215,650.00. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

Moved by Salem, seconded by Klamm, to appoint City Manager Joe Peplitsch as the Contact Person for the Lexington Public Library Project. Roll call. Voting “aye” were Tomasek, Klamm, Salem, Fagot. Motion carried.

BUDGET HEARING:

Mayor Fagot opened the Public Hearing. Peplitsch presented the City Council with the 2004-2005 Budget, reviewing it by each Department. Any significant changes were discussed in detail. Following Peplitsch’s presentation, Mayor Fagot closed the Public Hearing.

RESTRICTED FUNDS:

Peplitsch requested Council’s approval of increasing the Base of Restricted Funds by an additional One-Percent (1%). Following discussion, moved by Klamm, seconded by Salem, to approve increasing the Base of Restricted Funds by an additional One-Percent (1%). Roll call. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

**TAX REQUEST
RESOLUTION:**

Mayor Fagot opened the Public Hearing. Peplitsch requested Council’s approval of a Resolution that would set the Final Tax Request at a different amount than the prior year request. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 04-22 that sets the Final Tax Request at a different

amount than the prior year request. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-22

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Lexington by a majority vote, resolves that:

1. The 2004-2005 property tax request be set at \$502,495.00.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2004.

PASSED AND APPROVED this 14th day of September, 2004.

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**APPROPRIATION
ORDINANCE:**

Peplitsch requested Council adopt the Annual Appropriation Bill for Fiscal Year 2004-2005. Following discussion, an Ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2004-2005. 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 Salem, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance No. 2189 on Final Reading. Roll call. Voting "aye" were Tomasek, Salem, 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.

Deputy City Clerk