

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 22, 2005 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 Ted Cook, John Fagot, Linda Miller, Steve Tomasek. Absent was City Council Member Joni Bennett. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, and Deputy City Clerk Shirley Lewis. Department Heads present were Deb Jensen and 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 Cook.

**MINUTES – REGULAR  
MEETING – 02-08-05**

Minutes of the Regular Meeting scheduled for Tuesday, February 8, 2005 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Miller, to approve the Minutes of the Regular Meeting held February 8, 2005 as presented. Roll call. Voting “aye” were Fagot, Miller, Tomasek, Cook. Motion carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$292,906.43 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Fagot, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$141,255.06 from the General Fund, \$92,041.78 from LEXUS, \$22,682.87 from Sanitation, \$1,785.92 from Landfill, \$185.69 from Ambulance Fund, \$28,752.63 from Health Fund, \$6,202.48 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Fagot, Tomasek, Cook. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 22, 2005**

AFLAC	Premium	982.66
American Girl	Library Subscription	22.95
Anderson Graphics	Supplies/Recreation	222.50
Automotive Sales & Svc Co, Inc.	Central Garage Supplies	142.15
Barmore Drug Stores, Inc.	Office Supplies	19.27
Berntson Oil	Fuel	3,836.00
Bischoff, John	Meter Reader Supplies	18.79
Card Center/Orscheln	Supplies	121.91
Case Credit Advantage	Central Garage Supplies	26.57
Cash-Wa Distributing	Food & Supplies	611.85
Central Garage	Maint./Repairs	3,928.33

Clarey's Safety Equipment, Inc.	Fire Dept. Supplies	317.65
Coca Cola/Dr. Pepper of Kearney	Beverages	28.50
Conney Safety Products	Service Building Supplies	86.78
Consumer Reports Money Adviser	Library Subscription	24.00
Corporate Benefit Svcs of America	Claims	13,942.00
Dan's Sanitation	Sanitation Fees	1,093.00
Dawson County Public Power	Electricity	5,970.63
Dawson County Road Department	Street Dept. Supplies	86.00
Eakes Office Products	Office Supplies	214.46
Electric Fixture	Electric Supplies	68.37
Fagot Refrigeration & Electric	WWTP Supplies/Service	137.00
Farmer Brothers Coffee	Beverages	104.19
Fastenal	WWTP Supplies	75.14
FC&A	Book	35.97
Fisher Scientific	WWTP Supplies	245.26
Freedom Acct FBO/LVFD Plan #657193	Fire Dept. Pension	17,500.00
FYR-TEK	Fire Dept. Supplies/Svc	323.10
Gale Group, The	Books	454.40
Gall's Inc.	Police Dept. Supplies	308.84
Hach Company	Testing Supplies	297.30
Haines, Bill	Travel Expense	58.26
Halsen Products Company	Street Dept. Supplies	629.17
Harker's	Food	491.66
Hipp Wholesale Foods, Inc.	Food & Supplies	543.63
Holiday Inn	Lodging/C. Richardson	259.90
HWS Consulting Group	Long Range Trans. Plan/ Comp. Plan Update	14,888.82
Ingram Library Services	Books	368.19
Jim Phillips Const.	Street Repair	669.00
Kearney, City of	Trommel Screen Rpr Parts	4,053.00
Kemps-Gillette	Beverages	238.63
Kids Discover	Library Subscription	19.95
Kinder Morgan	Gas Service	1,817.85
Knapp Electric	Equipment Repair	1,084.19
Kriz-Davis Company	Electric Supplies	1,450.92
Lagoon Resolutions Inc.	WWTP Supplies	81.98
Lawson Products Inc.	Maint. Supplies	40.81
Lewis, Shirley	Conference	67.50
Lexington Newspapers, Inc.	Publications	313.28
Lexington Volunteer Fire Dept.	Fire School	89.20
Payroll	Wages	89,460.95
Social Security	Employer Portion/ FICA Med	6,722.22
First National Bank	Employer Portion/Pension	3,219.04
First National Bank	Police Pension	1,153.35
ICMA	City Manager Pension	275.31
Linda's Stitches & Creations	Shirts	67.04
Linweld	Oxygen/Supplies	95.39
Martin Electric	Fire Dept. Supplies	18.10
Matt Parrott & Sons Company	Office Supplies	21.83
McCookNet Internet Service	Service	5.00
Mead/Big Valley Lumber	Maintenance Supplies	176.42
Meyer-Century Labs	Street Supplies	326.00
Micro-Marketing, LLC	Books	66.10
Mid-Nebraska Printing	Office Supplies	4.25

Milco Environmental Services Inc.	Post Closure/Drum Disposal Site	1,785.92
Miller & Associates	Pro. Service/2004 Traffic Counts	1,506.50
MPH Industries Inc.	Police Dept. Repairs	47.65
Mr. Automotive	Supplies	50.42
Nebraska Forest Service	Advertising	50.00
Nebraska Law Enforcement	Testing	24.00
Nebraska Library Association	Membership Dues	45.00
Nebraska Library Commission	Registration Fee	35.00
Nebraska Public Power District	Conference	100.00
Nebraska Tech & Telecomm Inc.	Phone Expense	1,360.08
Nebraskaland Conf. of Bldg Ofcls & Inspectors	Registration Fee	150.00
Neopost	Postage	1,500.00
Olsson Associates	15mVA Substn.Add./ Elect Svc - Ethanol Plant	902.80
Overton Community Center	Meals on Wheels	100.00
Overton, Village of	Snow Plow Blade	300.00
Oxmoor House	Book	24.91
Paulsen Inc.	Concrete	169.06
Photography By Dee Ann	Photograph	112.45
Plum Creek Medical Group	Flu Shot/Fire Dept.	21.00
Plum Creek Motors	Central Garage Supplies	25.48
Quill Corporation	Library Supplies	48.90
Random House Inc.	Books	171.70
Recorded Books	Books	71.80
S & W Auto Parts	Central Garage Supplies	593.42
Skarshaug Testing	Testing	140.41
Subway of Lexington	Food	38.03
SunMart #763	Food	31.47
T. O. Haas Tire Company Inc.	Tire/Repair	141.67
TASC	Flex Plan	160.00
Taste of Home	Book	23.98
Third Party Environmental	Asbestos Removal	800.00
TierOne-Lib. Petty Cash	Petty Cash	19.83
Tomasek, Steve	Conference	137.70
U-Save Business Equipment	Office Supplies	146.97
Universal Inspections LTD	Annual Elec Veh Safety Inspection	1,270.00
Viking Office Products	Library Supplies	100.02
Wal-Mart	Misc. Supplies	668.22
Wesco Distribution, Inc.	Electric Supplies	2,401.08
Wolf, Tracy	Membership Dues	10.00
21st Century Publishers	Book	18.00
Alltel	Cellphone Service	232.48
All Points Cooperative	Propane	43.75
Awards Plus	Plaque	47.84
Beringer Ciaccio Dennell Mabrey	Architect/Library	3,080.00
Berntson Oil	Fuel	131.30
Brody Chemical	Street Cleaner Supplies	501.06
Brown, Harold	Conference/Seminars	40.00
Card Center/Orscheln	Supplies	10.79
Cash-Wa Distributing	Food/Supplies	357.81
Charter Communications	Internet Service	23.99
Comfort Inn	Lodging	111.52

Corporate Benefit Svcs of America	Claims	13,667.97
Dan's Sanitation	Sanitation Fees	22,682.87
Dowling, Michael	Electric Rebate	450.00
Dunrite, Inc.	Sewer Dept. Supplies	150.45
Eakes Office Products	Office Supplies	82.93
Escalante, Gabriel	Electric Rebate	900.00
Gale Group, The	Book	22.72
Island Supply Company, The	Street Supplies	2,412.00
Kemps-Gillette	Beverages	106.63
Lexington Area Chamber of Comm	City Directories	181.40
Lexington, City of	Monthly Fees	31,343.28
Lexington Newspapers	Publications	29.09
Lexington Utilities System	Utilities	17,078.15
Micro-Marketing, LLC	Books	36.40
Matt Parrott And Sons Company	Office Supplies	194.44
Mid-Nebraska Printing	Office Supplies	19.20
Nebraska Dept. of HHS Laboratory	Water Test Analysis	1,044.00
Peplitsch, Joe	Conference/Seminars	287.58
Plum Creek Motors	Vehicle Repair	1,906.74
TierOne-City Petty Cash	Petty Cash	62.77
TierOne-Lib. Petty Cash	Petty Cash	4.45
U-Save Business Equipment	Office Supplies	18.15
Wal-Mart	Supplies	273.99
Zep Manufacturing Company	Office Supplies	44.70
	TOTAL:	292,906.43

**PUBLIC HEARING:**

Mayor Cook opened the Public Hearing. Denise Swartz requested Council's approval of an application for a new corporate manager of Pump & Pantry. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller to recommend approval of an Application for a new corporate Manager of Pump & Pantry #21, located at 210 E. 6<sup>th</sup> Street, Lexington, Nebraska. Roll call. Voting "aye" were Tomasek, Miller, Fagot, Cook. Motion carried.

**SUBDIVISION REQUEST:**

Keith Sladky, Manager of Plum Creek Care Center, requested Council's approval of a Subdivision Request by Lexington Investors Limited Liability Company on property located at 1505 N. Adams Street. Following discussion, moved by Fagot, seconded by Tomasek, to approve Resolution No. 05-05 approving the Subdivision Plat of Lantis First Addition, located at 1505 N. Adams Street, Lexington, Nebraska.

RESOLUTION NO. 05-05

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

The plat of LANTIS FIRST ADDITION, to the City of Lexington, Nebraska, duly made out, acknowledged and certified be and the same hereby is approved, and accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter the Addition 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 this 22<sup>nd</sup> day of February, 2005.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, President of the Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**PUBLIC HEARING:**

Mayor Cook opened the Public Hearing. Dana Daniels, representing Miller and Associates, requested Council's approval of a Resolution adopting the One and Six-Year Street Improvement Program for the City of Lexington. Following Mr. Daniel's presentation, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Tomasek, to approve Resolution No. 05-06 adopting the One and Six-Year Street Improvement Program for the City of Lexington. Roll call. Voting "aye" were Miller, Tomasek, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-06

BE IT RESOLVED by the City Council of Lexington, Nebraska that the attached one- and Six- Year Street Improvement Programs are hereby adopted by the said Lexington City Council, and was advertised with the Lexington Clipper-Herald as a Public Hearing on February 5, 2005.

PASSED AND APPROVED this 22<sup>nd</sup> day of February, 2005.

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**MUNICIPAL LANDFILL:**

Dana Daniels made a power point presentation to Council on landfill permitting process and fees. Moved by Cook, seconded by Fagot, to instruct administration to negotiate with Miller & Associates on contract for landfill permitting. Roll call. Voting "aye" were Tomasek, Miller, Fagot, Cook. Motion carried.

**DAWSON AREA DEVELOPMENT:**

John Wightman, Lexington representative on Dawson Area Development Board, addressed Council requesting their continued support of the Dawson Area Development Office. Also speaking on behalf of DAD was Patty Johnson. Councilman Fagot expressed his support of DAD, and wished them the very best.

**PAY REQUEST:**

Peplitsch requested Council's approval of Pay Request No. 32 for the Lexington Viaduct Project. Following discussion, moved by Miller, seconded by Tomasek, to approve Pay Request No. 32 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of

\$68,771.16. Roll call. Voting "aye" were Fagot, Tomasek, Miller, Cook. Motion carried.

**WATER RATES:**

Peplitsch requested Council's approval of a Resolution setting Water Rates. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No. 05-07 setting water rates for the City of Lexington. Roll call. Voting "aye" were Tomasek, Miller, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-07

WHEREAS, Lexington City Code Section 27-34, authorizes the City Council to establish by Resolution a schedule of rates and charges for water use.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following water rates for the following use classifications are established and shall take effect March 1, 2005, to be reflected on billings following such date. That all other water rates previously established shall remain unchanged:

<u>Residential Metered:</u>	The first 5,000 gallons	\$9.50 monthly minimum
	> 5,000 gallons	\$0.70 per 1,000 gallons
<u>Residential Flat Rate:</u>	\$15.00 per dwelling unit per month	
<u>Commercial Metered:</u>	The first 5,000 gallons	\$9.50 monthly minimum
	> 5,000 gallons	\$0.70 per 1,000 gallons
<u>Multi-family Service Fee:</u>	\$4.75 per dwelling unit, where more than one dwelling unit is served by a single metered service.	
<u>Industrial Metered:</u>	\$0.1846 per 1,000 gallons	

PASSED AND APPROVED this 22<sup>nd</sup> day of February, 2005.

Ted Cook, President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**ANNUAL LIBRARY REPORT:**

Peplitsch presented the annual Lexington Library Board Report for Council's consideration. Following discussion, moved by Fagot, seconded by Miller, to accept the annual Lexington Library Board Report. Roll call. Voting "aye" were Tomasek, Miller, Fagot, Cook. Motion carried.

**FINANCIAL REPORT:**

Peplitsch requested Council's acceptance of the Financial Report for January, 2005. Following discussion, moved by Tomasek, seconded by Miller, to accept the Financial Report for January, 2005. Roll call. Voting "aye" were Fagot, Miller, Tomasek, Cook. Motion carried.

**EXECUTIVE SESSION:**

Moved by Fagot, seconded by Miller, to enter into Executive Session at 8:58 p.m. for the purpose of discussing sale of property. Roll call. Voting "aye" were Tomasek, Miller, Fagot, Cook. Motion carried.

Moved by Miller, seconded by Fagot, to reconvene Regular Session from Executive Session at 9:22 p.m. Roll call. Voting "aye" were Tomasek, Fagot, Miller, Cook. Motion carried.

**ADJOURNMENT:**

There being no further business to come before Council, Mayor Cook declared the meeting adjourned.

Ted Cook  
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