

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 22, 2005 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 Ted Cook, Joni Bennett, John Fagot, Linda Miller, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Deb Jensen, Ann Luther, 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 – 03-08-05: Minutes of the Regular Meeting scheduled for Tuesday, March 8, 2005 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Regular Meeting held March 8, 2005 as presented. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$290,681.26 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Fagot, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$139,689.17 from the General Fund, \$85,644.12 from LEXUS, \$22,513.31 from Sanitation, \$62.90 from Ambulance Fund, \$40.37 from Library Memorial, \$36,504.08 from Health Fund, \$6,227.31 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
March 22, 2005

AFLAC	Premium	982.66
All Points Cooperative	Fuel	79.24
Assemblies of God Campground	Aquatic Center Training	80.00
Awards Plus	Plaques	70.00
Barmore Drug Store, Inc.	Misc. Supplies	104.56
Burklund, D. L.	Electric Rebate	1,025.00
Card Center/Orscheln	Supplies	233.05
Case Credit Advantage	Electric Supplies	35.69
Cash-Wa Distributing	Food & Supplies	492.90
Central Garage	Maint./Repairs	3,359.08
Central Nebraska Truss, Inc.	Park Building Supplies	387.67

Centurion Technologies, Inc.	Library Maintenance Fees	31.04
Certified Laboratories	Central Garage Supplies	109.02
Charter Communications	Internet Service	23.99
Corporate Benefit Svcs of America	Claims	25,961.17
Dan's Sanitation	Sanitation Fees	984.00
Dugan Business Forms	Office Supplies	674.50
Eilers Machine & Welding	Electric Supplies	138.37
Electric Fixture	Electric Supplies	320.08
Fagot Refrigeration & Electric	Electrical Repair	213.47
Farmer Brothers Coffee	Beverages	70.35
First Source	Office Supplies	602.58
Flowers of Joy	Supplies	33.11
Fries, Marcia	Electric Rebate	1,025.00
G & V Inc.	Demolition	15,500.00
Gale Group, The	Book	22.72
Harker's	Food	482.25
Hipp Wholesale Foods, Inc.	Food & Supplies	808.11
Husker Ag Sales	Misc. Supplies	166.25
HWS Consulting Group	Long Range Transportation	
	Plan/Comp Plan Update	3,464.91
Imler Firearms Service	Police Dept. Supplies	175.00
Ingram Library Services	Books	731.83
Jim Phillips Const.	Equipment Rental	60.00
Jones Plumbing & Heating	Central Garage Supplies	14.76
Keim, Bob	Freon Removal	240.00
Kemps-Gillette	Beverages	166.10
Kinder Morgan	Gas Service	1,269.17
Kriz-Davis Company	Electric Supplies/Switch	3,625.97
Lagoon Resolutions, Inc.	WWTP Supplies	71.02
Lakeside Country Club	Membership Fees	470.00
Lexington Newspapers, Inc.	Publications	1,135.24
Lexington Recreation Program	Concessions & Admission	
	Start Up/Officials	2,000.00
Lexington Truck & Auto	Central Garage Supplies	40.00
Lexington Utilities Systems	Utilities	15,235.56
Payroll	Wages	86,872.83
Social Security	Employer Port/FICA Med	6,520.98
First National Bank	Employer Port/Pension	3,174.34
First National Bank	Police Pension	1,293.54
ICMA	City Manager Pension	231.84
Luther, Ann	Conference/Seminar	37.47
Mainstream, Inc.	Membership Dues/Libr	85.00
Martin Electric	Fire Dept. Supplies	23.50
McCookNet Internet Service	Service	165.95
Mead/Big Valley Lumber	Electric Supplies	459.16
Mid-States Supply Company, Inc.	WWTP Supplies	144.79
Miller & Associates	Retainer Service	800.00
Mr. Automotive	Supplies	48.92
Nelson, Thomas	Conference/Seminar	231.30
Neopost	Postage	1,500.00
Newsweek	Subscription	27.00
Northern Tool & Equipment Co.	Central Garage Supplies	372.44
Outdoor Recreation Products	Skate Park Equipment	2,906.00
Overton Community Center	Meals on Wheels	100.00
Oxmoor House	Books	42.81
Paulsen Inc.	Concrete	388.21

Peak Interest	Food	42.37
Platte Valley Communication	Radio Maint & Repair	214.00
Plum Creek Promotions	Shirts/Recreation Dept.	446.94
Quill Corporation	Office Supplies	59.98
Random House, Inc.	Books	6.00
Recorded Books	Books	191.35
S & W Auto Parts	Central Garage Supplies	899.66
Service Master Mid Nebraska	Cleaning Service	58.00
Showcases	Library Supplies	22.80
Sorensen, Harold	Saw Blade Maintenance	6.00
SunMart #763	Food	19.45
Taylor, Rodney	Utility Refund	24.45
Team Detail & Quicklube	Car Wash	20.00
TierOne-Lib. Petty Cash	Petty Cash	9.15
U-Save Business Equipment	Office Supplies	15.78
Wal-Mart	Misc. Supplies	351.52
Ward Laboratories	Water Test	24.00
Wesco Distribution, Inc.	Electric Supplies	750.00
Windswept Enterprises	Library Supplies	59.90
Alltel	Cellphone Service	134.50
Berntson Oil	Fuel	62.90
Beringer Ciaccio Dennell Mabrey	Architect/Library	1,920.00
Better Containers Mfg. Co., Inc.	Library Supplies	59.13
Case Credit Advantage	Supplies	32.15
Cash-Wa Distributing	Food/Supplies	788.22
Corporate Benefit Svcs of America	Claims	9,400.25
Credit Report of Lexington	Subscription	141.00
Dan's Sanitation	Sanitation Fees	22,513.31
Demco	Library Supplies	146.02
Fastenal	WWTP Maint. Supplies	12.94
Fisher Scientific	Testing Supplies	101.10
Follett Software Company	Library Supplies	165.80
FYR-TEK	Fire Dept. Supplies	428.80
Gale Group, The	Books	160.18
Gempler's, Inc.	Uniform Expense	249.40
Ingram Library Services	Books	95.41
Kemps-Gillette	Beverages	86.07
Lex Area Chamber of Commerce	Publications	38.54
Lexington Area Solid Waste	Ward Prop & Lazo Waste	16,530.50
Lexington, City of	Service Fees	28,949.14
Lexington Newspapers	Publications	187.27
Mead/Big Valley Lumber	Maintenance Supplies	31.52
Miller & Associates	Retainer Service	800.00
Naumann, Sondra	Cleaning Service	30.00
National Waterworks	Supplies	132.97
Nebraska Dept. of HHS Laboratory	Water Testing Analysis	120.00
Nelson, Margie L.	Cleaning Service	60.00
OCLC, Inc.	Book	355.00
Olsson Associates	Engineering Fees/Highway 283 & Prospect Road	8,040.00
Platinum Plus For Business	Misc Elec & Park Dept. Supplies	4,168.27
Precision PC	3yr. Internet Filtering Subscription	2,499.00
Random House, Inc.	Books	99.45
S & W Auto Parts, Inc.	Supplies	20.83

SunMart #763	Food	6.17
TASC	Flex Plan	160.00
Thompson, Robert	Conference/Seminar	125.00
TierOne-City Petty Cash	Petty Cash	50.80
TierOne-Lib. Petty Cash	Petty Cash	14.20
U-Save Business Equipment	Office Supplies	145.06
Wal-Mart	Supplies	257.51
	TOTAL:	290,681.26

**AWARD
PRESENTATION:**

Mr. Bill Fehrman, President and CEO of Nebraska Public Power District, presented the City of Lexington with an Award recognizing them for their work in Economic Development, and being Prospect Ready. Mr. Fehrman stated “The City of Lexington, in particular Joe, has worked very hard in putting together a Labor Study, which shows that you have proof of having a high-quality, and adequate labor supply, that you have the sights and buildings available in your community that are ready and on line, you have current and accurate information in print in electronic form to support your economic development efforts, that you are in a very strong financial position, and you have a written marketing plan to reach targeted industries. This Award was judged by an independent team of Economic Development professionals, non of which were from NPPD.

REZONING REQUEST:

Mayor Cook opened the Public Hearing. Mr. And Mrs. Paul Liess, on behalf of themselves, and Sharon Burkland, requested Council’s approval of a Rezoning Request on property located at 726 and 728 East 6th Street, from M-2 to R-1. Following discussion, Mayor Cook closed the Public Hearing.

ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO REZONE SECTION 5-9-21, BLOCK D, W 50, E 100, N 140, LOT 10, AND SECTION 5-9-21 BLOCK D, E 50, N 140, FROM M-2 HEAVY INDUSTRIAL DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before Council. Moved by Fagot, seconded by Tomasek, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Lexington Community Development Coordinator Deb Jensen requested Council’s approval of a CDBG Grant Application for Owner Occupied Housing Rehabilitation Program. Following Mrs. Jensen’s presentation, Mayor Cook closed the Public Hearing.

RESOLUTION:

Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 05-08 authorizing the Mayor of the City of Lexington to sign an Application for Nebraska Affordable Housing Program Funds. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-08

A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR NE AFFORDABLE HOUSING PROGRAM FUNDS.

WHEREAS, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and Cranston-Gonzalez National Affordable Housing Act of 1990 (Home Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$296,000 for Lexington Owner-Occupied Housing Rehabilitation Program; and,

NOW, THEREFORE, BE IT RESOLVED BY the Lexington City Council of the City of Lexington, that Mayor Ted Cook be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2005.

Ted Cook Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

PUBLIC HEARING:

Mayor Cook moved to table the Public Hearing to consider a CDBG Grant Application for the Grand Generation Center Expansion Project, as well as, a Resolution authorizing the Chief Elected Official to Sign an Application for the Grand Generation Center Expansion with CDBG Funds, until the April 12, 2005 City Council Meeting. Council Member Miller seconded the motion. Discussion was held between Council and City Staff. Roll call. Voting "aye" were Bennett, Fagot, Tomasek, Miller, Cook. Motion carried.

CDBG APPLICATION DOCUMENTS:

Following discussion, moved by Fagot, seconded by Tomasek, to authorize the Mayor to sign Policies and Guidelines for Owner-Occupied Housing Rehabilitation Program, Statement of Assurance and Certifications, Residential Anti-Displacement and Relocation Assistance Plan, Citizen Participation Plan and any other CDBG application documents. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

ECONOMIC DEVELOPMENT SUMMIT: Mr. Bob Heinz addressed the Lexington City Council requesting funding for a program facilitator for the proposed economic development summit planning. Councilman Fagot expressed his concern regarding using tax dollars to hire facilitators for other groups other than this one. Following discussion, moved by Miller, seconded by Bennett, to approve funding \$2,500 for Mr. Steve Amundson to facilitate the proposed economic development summit. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Cook. Voting “nay” was Fagot. Motion carried.

USE OF PUBLIC PROPERTY: Vicki Gilpin, representing Lexington Chamber of Commerce, requested Council’s approval to use the City parking lot located at 5th and Grant Streets for a Street Dance and Beer Garden. Tep’s Bar has been requested to cater this event. Following discussion, moved by Fagot, seconded by Miller, to approve use of City parking lot located at 5th and Grant Streets for a special event. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

AUDIT COMMITTEE: Peplitsch requested Council appoint two Council Members to serve on the City of Lexington’s Audit Committee. Following discussion, moved by Cook, seconded by Fagot, to appoint Steve Tomasek and Linda Miller to the Audit Committee. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

FINANCIAL REPORT: Peplitsch requested Council’s acceptance of the Financial Report for February, 2005. Following discussion, moved by Tomasek, seconded by Miller, to accept the Financial Report for February, 2005. Roll call. Voting “aye” were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

EXECUTIVE SESSION: Moved by Tomasek, seconded by Bennett, to go into Executive Session at 8:08 p.m. for the purpose of discussing sale of property. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Miller, to reconvene Regular Session from Executive Session at 8:55 p.m. Roll call. Voting “aye” were Bennett, Fagot, Miller, Tomasek, 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.

Deputy City Clerk