

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 12, 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 Charlie Clark, 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 – 03-22-05: Minutes of the Regular Meeting scheduled for Tuesday, March 22, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Tomasek, to approve the Minutes of the Regular Meeting held March 22, 2005 as presented. Roll call. Voting “aye” were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,023,067.86 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$331,838.26 from the General Fund, \$650,251.56 from LEXUS, \$10,000.00 from Sanitation, \$3,645.00 from Ambulance Fund, \$8.95 from Library Memorial, \$16,575.02 from Health Fund, and \$10,749.07 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 12, 2005

Access Data Corporation	Software Support	600.00
AccuCut	Books	188.00
Alamar Uniform Company	Uniform Expense	593.89
All Points Cooperative	Fertilizer/Soil Analysis	3,570.55
Alltel	Cellphone Service	145.83
Ask Supply Company	Office Supplies	136.43
Awards Plus	Recreation Supplies/Medals	383.50
B & D Office City	Office Supplies	198.21
Barco Municipal Products	WWTP Supplies	534.56
Barmore Drug Store, Inc.	Office Supplies	6.99
Barnes Distribution	Water Dept. Supplies	279.80

Beringer Ciaccio Dennell Mabrey	Architect/Library	5,299.20
Berntson Oil	Fuel	5,991.19
Business & Professional Credit	Collection Fees	186.63
Card Center/Orscheln	Supplies	43.08
Case Credit Advantage	Supplies	296.25
Cash-Wa Distributing	Food & Supplies	657.80
Central Garage	Maint./Repairs/Fuel	10,508.82
Conney Safety Products	Respirators	114.13
Corporate Benefit Svcs of America	Claims	13,262.84
Corporate Benefit Svcs of America	Premium	15,339.30
Culligan Water Conditioning, Co.	Soft Water Supplies	206.45
Dan's Sanitation	Sanitation Fees	10,890.15
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Court	Court Fees	57.50
Dawson County Handibus	Transportation	124.00
Dawson County Register of Deeds	Filing Fees	5.50
Dawson Pest	Building Maintenance	27.00
Depository Trust Co.	2004 GO Bond Interest	38,649.33
Dept. of Correctional Services	Fed Surplus Prop/Street Supplies	414.00
Diamond Vogel Paint	Rec. Supplies	289.93
Ditch Witch of Nebraska, Inc.	Electric Supplies	33.39
Dutton-Lainson Company	Elec Supplies/Historical Lighting	37,016.28
Eakes Office Products	Office Supplies	224.55
Eilers Machine & Welding	Street Dept. Supplies	78.02
Electric Fixture	Electric Supplies	3,588.47
Experience Works, Inc.	GGC Donation	300.00
Farmer Brothers Coffee	Beverages	79.09
Farwest Line Specialties	Electric Dept. Supplies	261.90
FuCare Consulting Services, Inc.	Professional Services	500.00
Gale Group, The	Book	14.24
GIS Workshop	GPS Software	6,870.00
Great Plains One-Call Service	Locates	48.49
Hach Company	WWTP Supplies	279.90
Hank's Plumbing	Plumbing Supplies	56.48
Harker's	Food	683.39
Hernandez, Jose S.	Utility Refund	72.73
Hipp Wholesale Foods, Inc.	Food & Supplies	1,414.24
Holbein Lawn Service	Lawn Care	45.00
Holiday Inn	Conference Expense	119.90
Holtz, Marcia	Conference/Seminar	29.97
Hometown Leasing	Copier Lease	697.04
Husker Ag Sales	Central Garage Supplies	17.55
Ingram Library Services	Books	94.17
Jensen, Deb	Conference/Seminar	52.65
Jones Plumbing & Heating	Repair/Supplies	369.69
K & K Parts Co., Inc.	Water Dept. Supplies	61.12
K. R. V. N. Radio	Advertisements	148.80
Kearney Hub	Advertisements	110.00
Kemps-Gillette	Beverages	377.36
Kriz-Davis Company	Electric Supplies/Wire	7,143.36
Lexington Animal Clinic	Animal Care	483.75
Lex Area Solid Waste Agency	Landfill	1,944.42
Lexington Boy Scout Troop #88	Recycling	48.00
Lexington Boy Scout Troop #144	Recycling	48.00
Lexington Girl Scouts	Recycling	96.00
Lexington Health Fund	Self-funding	26,417.00

Lexington High School	Concessions/3 on 3	386.57
Lexington Newspapers, Inc.	Publications	242.80
Lexington Public Schools	Janitorial Services/3 on 3	368.48
Lexington True Value	Fire Dept. Supplies	6.78
Lexington, City of	Franchise/Service Fees	31,115.04
Payroll	Wages	85,054.19
Social Security	Employer Portion / FICA Med	6,381.84
First National Bank	Employer Portion / Pension	3,180.39
First National Bank	Police Pension	1,159.76
ICMA	City Manager Pension	231.84
Linweld	Oxygen	81.37
Little Caesars	Food	22.98
Luther, Ann	Conference/Seminar	37.47
Mac's Short Stop	Food	5.09
Marlin Leasing Corp.	Mail Machine Payment	570.16
Martin Electric	Electric Supplies	152.21
Mead/Big Valley Lumber	Maintenance Supplies	2,270.98
Metrotech	Repair	491.98
Micro-Marketing, LLC	Book	26.50
Mid-Nebraska Food Bank	Food	81.26
Mid-Nebraska Printing	Office Supplies	567.24
Mid-States Units	Park Rentals	360.00
Miller & Associates	Professional Services/WWTP	25,581.60
Misko Sporting Goods	Rec. Dept. Supplies	261.41
Moore Medical Corp.	Ambulance Supplies	471.17
Moore	Office Supplies	378.07
Mr. Automotive	Supplies	209.68
Municipal Supply	Water Dept. Supplies	5,754.67
National Waterworks	Meters/Hydrant	5,529.56
Naumann, Sondra	Cleaning Service	24.00
Ne. State Historical Society	Books/Microfilm	80.00
Nebraska Community Foundation	Conference/Seminar	50.00
Nebraska Department of Labor	Boiler Inspection	30.00
Nebraska Law Enforcement	Conference/Seminar	60.00
Nebraska Municipal Power Pool	Membership Dues	1,936.65
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,366.57
Nebraska Waste Handlers	Sludge Removal	2,932.41
Nelson, Margie	Cleaning Service	500.00
Olsson Associates	15mVA Substn.Add./Adams El.Relocate	9,676.09
Overton Sand & Gravel	Gravel	540.59
Paulsen Inc.	Concrete	1,097.06
Platte Valley Communication	Radio Maintenance & Repair	2,217.25
Plum Creek Auto Spa	Car Wash	10.00
Plum Creek Cleaners	Cleaning Service	37.27
Plum Creek Promotions	Shirts	1,640.62
Qwest	Library Phone Expense	61.64
Random House, Inc.	Books	88.40
Recorded Books	Books	55.80
Resource Management Co., Inc.	Tire Removal	105.30
S & W Auto Parts	Central Garage Supplies	904.51
Schultze, Kim	Conference/Seminar	23.25
Seward, Randell D.	Cleaning Service	400.00
Sign Pro	Signs/Repair	45.50
Steve's Lock & Key	Lock Repair	81.00
Subway of Lexington	Food	22.55

SunMart #763	Food	34.57
T. O. Haas Tire Co., Inc.	Tires/Repair	368.86
Taste of Home	Book	23.98
Thomson Learning	Books	119.27
TierOne-Lib. Petty Cash	Petty Cash	35.98
Tri-City Tribune	Publications	208.00
Tri-County Hosptial	Wellness	231.00
U-Save Business Equipment	Office Supplies	134.61
United Laboratories, Inc.	Chemical Clean Up Sol.	459.60
Veetronix, Inc.	Pager Repair	17.50
Wal-Mart	Misc. Supplies	290.49
Wesco Distribution, Inc.	Electric Supplies	4,681.30
Willard Weinhold Law Office	Fees	2,079.50
Bappe, Robert & Norma	Noise Mitigation Project	2,500.00
Barco Municipal Products	Street Supplies	718.87
Berntson Oil	Fuel	4,215.64
Business Ofc Systems of Nebraska	Office Supplies	137.98
Card Center/Orscheln	Supplies	296.25
Case Credit Advantage	Supplies	-296.25
Cash-Wa Distributing	Food/Supplies	381.05
Center Point Publishing	Books	534.02
Chief Supply Corp.	Fire Dept. Supplies	294.97
Corporate Benefit Svcs of America	Claims	3,312.18
Customer Solution Network	Membership Fee	50.00
Dan's Sanitation	Sanitation Fees	1,453.00
Dawson County Public Power	Electricity	6,635.80
Diamond Vogel Paint	Street Supplies	1,562.00
Eakes Office Products	Office Supplies	141.85
Electric Fixture	Electric Supplies	2,529.22
EMS Billing Services, Inc.	Ambulance Billing	756.04
Electronic Systems	Fire Alarm Inspection	25.00
Fagot Refrigeration & Electric	Service/Repairs	131.65
Fastenal	WWTP Maint. Supplies	119.28
Frost, Kent	Electric Rebate	1,025.00
G & V Inc.	Building Demolition	5,000.00
Gale Group, The	Books	28.48
Gall's Inc.	Uniform Expense	129.86
H2O Technical Services, Inc.	Polymer	1,228.32
Husker Ag Sales	Grasshopper Mower/Supplies	14,034.12
Ingram Library Services	Books	654.18
International Code Council	Office Supplies	48.99
International Code Council, Inc.	Membership Fee	100.00
Int Municipal Lawyers Assoc.	Membership Fee	480.00
Junior Library Guild	Books	418.20
Karr, Nola M.	Books	8.00
Keim, Bob	Freon Removal	255.00
Kemps-Gillette	Beverages	50.89
Kinder Morgan	Gas Service	5,374.23
Knapp Electric	Lift Pump Repair	1,645.38
Kriz-Davis Company	Electric Supplies	2,196.59
Lexington Baseball Commission	3 on 3 Labor	1,320.00
Lexington Health Fund	Self-funding	26,417.00
Lexington Girls Fast Pitch Assoc	3 on 3 Labor	1,320.00
Lexington Newspapers	Publications	65.10
Lexington Recreation Program	Softball/Baseball Instr/Sign up	1,400.00
Lexington True Value	GGC Supplies	4.32

Lexington Volunteer Fire Dept.	Ambulance Fees	1,728.92
Lynn Peavey Company	Police Dept. Supplies	32.85
Marlin Leasing Corp.	Property Tax Est/Mailing Machine	511.99
Martin's Flag Company	Street Supplies	678.10
Mead/Big Valley Lumber	Maintenance Supplies	173.89
Miller & Associates	G I S System	9,919.75
Mid-Nebraska Printing	Office Supplies	99.82
Mr. Automotive	Supplies	29.28
National Waterworks	Water Dept. Supplies	1,094.94
Nebraska Department of Revenue	Sales & Use Tax	28,814.07
Nebraska Machinery	Caterpillar Tractor	57,550.00
Nebraskaland Magazine	Subscription	18.00
Nebraska Public Power District	Power Purchase	415,553.00
Nebraska Rural Electric Assoc	Conference/Seminar	720.00
Neopost	Postage	1,500.00
Omaha World Herald	Advertising	467.26
Platte Valley Communications	Radio Repair	102.00
Plum Creek Medical Group	Physical	140.00
Precision PC	Computer Service	430.00
Reynolds, John	Electric Rebate	1,925.00
SunMart #763	Food	9.03
T. O. Haas Tire Co., Inc.	Tire Repair	20.00
TierOne-City Petty Cash	Petty Cash	99.88
TierOne-Lib. Petty Cash	Petty Cash	23.40
Tri-County Hospital	Ambulance Supplies	574.00
United Laboratories	Chemical Clean Up Sol./Freight	43.45
Upstart	Library Supplies	43.90
U-Save Business Equipment	Office Supplies	148.48
Wal-Mart	Supplies	229.04
Wall Street Journal, The	Subscription	215.00
Wesco Distribution, Inc.	Transformer/Epoxilator	2,012.84
Western Engineering Co, Inc.	Street Supplies	541.89
Zep Manufacturing Co.	Office Supplies	77.69
	TOTAL:	1,023,067.86

PUBLIC COMMENT PERIOD:

Mayor Cook opened the public comment period by informing those present that they would be limited to fifteen (15) minutes during this period, with a two (2) minute limit for each individual. Mr. Mark Yung, Mr. John Salem, and Ms. Della Rios all spoke individually, asking Mayor Cook to resign from the City Council. Mr. Bill Ashmore requested the Mayor retain his position on Council. No action was taken.

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Mr. Jim Tacha, representing Casey's General Stores, requested Council's approval of changing their current Class "D" Liquor License, to a Class "B" Liquor License for their store located at 609 Plum Creek Parkway. Expressing concern of the Liquor License was Bill Ashmore and Chaplain Victor Diaz. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller to recommend approval of a Class "B" Liquor License, to replace the current Class "D" Liquor License, for Casey's General Store #2068, located at 609 Plum Creek Parkway, Lexington, Nebraska 68850. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Deb Jensen requested Council's approval to apply for a CDBG Grant for expansion of the Grand Generation Center. Speaking in favor of the expansion project was Mr. Bill Ashmore and Reverend Cole. Following discussion regarding the plans for the Building, Mayor Cook closed the Public Hearing.

RESOLUTION:

Following the reading of said Resolution, moved by Fagot, seconded by Bennett, to approve Resolution No. 05-10 authorizing the Mayor of the City of Lexington to sign an application for CDBG Funds. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-10

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR CDBG 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,

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$344,000 for expansion and improvements to the Lexington Grand Generation Center; and,

NOW, THEREFORE BE IT RESOLVED BY the Lexington City Council of the City of Lexington, Nebraska, 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 12th DAY OF APRIL, 2005.

Ted Cook, Mayor

ATTEST:

Joe Peplitsch, City Clerk

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Deb Jensen requested Council's approval to apply for a CDBG Grant for construction of a Tornado-Safe Storm Shelter at Willow Ridge Trailer Court. Mr. Kevin Kennedy, Co-owner of Willow Ridge Trailer Court made a brief presentation. Following discussion, Mayor Cook closed the Public Hearing.

RESOLUTION:

Following reading of said Resolution, moved by Tomasek, seconded by Miller, to approve Resolution No. 05-11 authorizing Chief Elected

Official to sign an application for construction of a Tornado-Safe Storm Shelter at Willow Ridge Trailer Court with CDBG Funds. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-11

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LEXINGTON TO SIGN AN APPLICATION FOR CDBG 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,

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$22,000 for construction of a tornado-safe storm shelter in Willow Ridge Court; and,

NOW, THEREFORE BE IT RESOLVED BY the Lexington City Council of the City of Lexington, Nebraska, 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 12th DAY OF APRIL, 2005.

Ted Cook, Mayor

ATTEST:

Joe Peplitsch, City Clerk

JOINT RESOLUTION:

Peplitsch requested Council's approval of a Joint Resolution with the Community Redevelopment Authority to extend the paving on South Jefferson Street to accommodate an expansion project of Eiler's Machine and Welding, which is located in Redevelopment Area #1. Following discussion, Mr. Brian Eilers, owner of Eiler's Machine and Welding gave a brief presentation. Following reading of said Resolution, moved by Fagot, seconded by Miller, to approve Joint Resolution No. 05-09 with the Community Redevelopment Authority to extend the paving on South Jefferson Street to accommodate future development in Redevelopment Area #1. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

JOINT RESOLUTION NO. 05-09

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 South Jefferson Street should be extended to provide for future development activities in Redevelopment Area #1; and

WHEREAS, the CRA has completed plans, specifications, and estimates for the extension of South Jefferson Street within Redevelopment Area #1; and

WHEREAS, the project costs 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 advertise for bids for the South Jefferson Street Extension, such construction to be a joint project between City and CRA.
2. That the cost of such extension 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 APRIL 12, 2005

CITY OF LEXINGTON

Ted Cook, Mayor

Attest:

Shirley Lewis, Deputy City Clerk

STORM WATER DRAINAGE:

Mr. Paul Norden addressed the City Council regarding a drainage problem near his residence at the intersection of South Lincoln and Spruce Streets. Peplitsch indicated that it would take approximately 60 days to evaluate the situation. Once the evaluation is complete, Mr. Norden will be contacted.

LIBRARY COOPERATIVE AGREEMENT:

Peplitsch requested Council's approval of the Library Cooperative Agreement for sale of the existing Library property. Following discussion, and comments from Library Board Member Penny Knapp, moved by Miller, seconded by Fagot, to approve the Library Cooperative Agreement providing Paragraph 8 be changed to read as follows: "The parties agree that any proceeds of the sale shall be placed in General Fund of the City of Lexington, Nebraska for completion of the Library Project", and direct the Mayor to sign said documents. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 7 for the Lexington Public Library Project. Following discussion, moved by Tomasek, seconded by Bennett, to approve Pay Request No. 7 for the Lexington Public Library Project, to Lacy Construction co., in the amount of \$298,746.78. Roll call. Voting "aye" were Miller, Fagot, Bennett, 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 Personnel. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Bennett, to reconvene Regular Session from Executive Session at 9:34 p.m. Roll call. Voting "aye" were Miller, Fagot, Bennett, 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