

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 24, 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.

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 – 05-10-05: Minutes of the Regular Meeting scheduled for Tuesday, May 10, 2005 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Fagot, to approve the Minutes of the Regular Meeting held May 10, 2005 as presented. Roll call. Voting “aye” were Bennett, Miller, Fagot, Tomasek, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$323,251.63 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$166,691.31 from the General Fund, \$20,000.00 from Economic Development, \$94,002.92 from LEXUS, \$22,376.47 from Sanitation, \$66.24 from Ambulance Fund, \$13,609.24 from Police Pensions, \$6,505.45 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 24, 2005

AFLAC	Premium	982.66
All Points Cooperative	Fuel/Fertilizer	88.00
Associated Supply Company, Inc.	Pool Chemicals/Supplies	1,697.12
Automotive Sales & Svc Co, Inc.	Central Garage Supplies	16.30
B & D Office City	Office Supplies	64.98
Barmore Drug Store, Inc.	Office Supplies	17.97
Barnes Distribution	Central Garage Supplies	35.74
Ben Meadows Company	Sewer/Water Dept./Survey Equipment	2,198.86
Beringer Ciaccio Dennell Mabrey	Architect/Library	6,124.42
Berntson Oil	Fuel/Oil	4,585.01

Brown Traffic Products	Freight Charges	421.18
Buchholz, John	Boots	26.75
Business & Professional Credit	Collection Fees	300.53
Bus Telecomm. Systems, Inc.	Telephone Service	289.00
Card Center/Orscheln	Supplies	157.11
Case Credit Advantage	Supplies	291.32
Cash-Wa Distributing	Food & Supplies	2,550.30
Central Garage Fund	Supplies/Repairs	3,051.71
Certified Laboratories	Central Garage Supplies	527.84
Charter Communications	Internet Service	23.99
Coca Cola/Dr. Pepper of Kearney	Beverages	666.00
Conney Safety Products	Safety Equipment	141.11
Corporate Benefit Svcs of America	Claims	11,677.98
Doran Post & Associates, Inc.	Insurance Renewal	40.00
Dutton-Lainson Company	Electric Supplies/Poles	17,166.64
Eakes Office Products	Office Supplies	8.66
Farmer Brothers Coffee	Beverages	152.25
Fed Ex	Delivery Service	175.98
Fisher Scientific	WWTP Supplies	280.46
FYR-TEK	Fire Dept./Maintenance	227.60
Gale Group, The	Books	375.43
Galls Inc.	Police Dept. Equipment	265.94
Gengenbach, Kevin	Rental	330.00
Harker's	Food	518.01
Hipp Wholesale Foods, Inc.	Food & Supplies	203.60
Home Federal Savings	Ambulance Payment	16,157.57
Hunt Cleaners, Inc.	Gloves	446.01
Ingram Library Services	Books	748.88
JMS Millwright & Repair	Crane Rental	100.00
Keim, Bob	Freon Removal	240.00
Kemps-Gillette	Beverages	135.75
Kinninson, Logan & Anne	Access Easement/Bacon's 1st Addition	500.00
Lawson Products, Inc.	Supplies	53.96
League of Nebraska Municipalities	Conference/Seminars- Mills/Dues	691.50
League of Nebraska Municipalities	Conference/Seminars/ Hawks-Nelson	50.00
Lexington Development, LLC	ED Program/Real Estate Development	20,000.00
Lexington Newspapers, Inc.	Publications	262.15
Lexington Public Schools	Conference/Seminars	10.00
Lexington Recreation Program	Start-up/Aquatic Center	3,980.00
Payroll	Wages	87,299.52
Social Security	Employer Portion / FICA Med	6,555.38
First National Bank	Employer Portion/Pension	3,234.51
First National Bank	Police Pension	1,147.33
ICMA	City Manager Pension	231.84
Liehs Drilling	Repair	72.00
Linda's Stitches & Creations	Shirts	1,361.46
Little Caesars	Food	17.98
Luther, Ann	Conference/Seminars/ Travel	41.31
Marina Inn	Conference/Seminars	114.00
McCookNet Internet Service	Service	53.00

Mead Rental Center	Central Garage Supplies	2.55
Mead/Big Valley Lumber	Maintenance Supplies	460.64
Mick's Platte Valley Glass	Repair	144.45
Micro-Marketing, LLC	Book	18.65
MidAmerica Books	Books	774.57
Mid-State Units	Park Rentals	810.00
Midwest Laboratories, Inc.	Testing	40.00
MPH Industries, Inc.	Calibration Charge	81.78
Municipal Supply	Water Dept. Supplies	563.50
Nebraska Department of HHS Lab	Water Testing Analysis	1,296.00
Nebraska Machinery	Street Dept/Rebuild Trans.	14,335.02
Nebraska Secretary of State	Notary Renewal	30.00
NFPA International	Safety Code Manuals	217.95
OBM Police Supply	Uniform Expense	14.49
Overton Community Center	Meals on Wheels	100.00
Paulsen Inc.	Concrete	138.04
Platte Valley Auto Mart	Vehicle Supplies	52.84
Plum Creek Motors	Central Garage Supplies	30.99
Plum Creek Promotions	T-Shirts	467.40
Positive Promotions	Safety Promotion Material	277.86
Price's Tree Service	Tree Removal/Care	1,450.00
Random House, Inc.	Book	53.55
Reams Sprinkler Supply Company	Supplies	762.85
Reutlinger, Troy	Training Supplies	97.83
Rogers USA, Inc.	Rec. Dept. Supplies	343.52
S & W Auto Parts	Electric Dept. Supplies	806.14
Showcases	Office Supplies	19.14
Smith, Irl	Property Mitigation	1,944.00
Sporting Edge, The	Pool Supplies/Swim Suits	1,900.00
Stuart, Mary C.	Access Easement/Bacon's 1st Addition	500.00
Subway of Lexington	Food	38.03
SunMart #763	Food	154.67
T. O. Haas Tire Co., Inc.	Tire Repair	88.69
Team Detail & Quicklube	Car Washes	40.00
Thomas Bouregy & Company, Inc.	Books	138.00
TierOne Bank	Interim Loan Interest	4,806.00
TierOne-Lib. Petty Cash	Petty Cash	24.85
Tri-City Tribune	Publication	25.00
Tri-County Shrine	Promotion	100.00
U-Save Business Equipment	Office Supplies	482.94
Underwood, James	Carpet Cleaning	250.00
Univar USA, Inc.	Chemicals	926.05
Utility Equipment	Water Dept. Supplies	298.31
Wal-Mart	Misc. Supplies	480.65
Wesco Distribution, Inc.	Electric Supplies	501.83
Alltel	Cellphone Service	197.74
Aqua-Tronics, Inc.	Electrical Repair	265.91
Baird, Holm, McEachen, Pedersen	Attorney Fees	227.73
Berntson Oil	Fuel	22.76
Case Credit Advantage	Central Garage Supplies	51.73
Card Center/Orscheln	Electric Dept. Supplies	10.69
Corporate Benefit Svcs of America	Claims	948.60
Dan's Sanitation	Sanitation Fees	22,376.47
Diamond Vogel Paint	Paint/Rec.Dept.	135.75
Galls, Inc.	Police Dept. Supplies	141.22

Kinder Morgan	Gas Service	3,630.90
Lexington Health Fund	Self-funding	25,975.50
Lexington Newspapers, Inc.	Publications	125.57
Lexington Utilities System	Utilities	1,586.20
Lexington, City of	Franchise/Service Fees	23,884.41
Mead/Big Valley Lumber	WWTP Supplies	5.98
Miller & Associates	Retainer Service	800.00
Mid-Nebraska Printing	Office Supplies	1.74
Mr. Automotive	Police Dept. Supplies	36.40
Naumann, Sondra	Cleaning Service	48.00
Nebraska State Historical Society	Books	40.00
OCLC	Books	535.00
Olsson Associates	U.S. Hwy. 283 & Prospect Road/Pro.Service	790.00
Random House, Inc.	Books	122.40
Reliable	Office Supplies	61.64
Summit Supply Corporation	Park Supplies/Table Frames	3,225.00
S & W Auto Parts, Inc.	Electric Dept. Supplies	1.35
TierOne-City Petty Cash	Petty Cash	31.85
Univar USA, Inc.	Chemicals	984.63
Wal-Mart	Misc. Supplies	397.88
Ward Laboratories	Water Testing	24.00
Waverly, City of	NCMA 2005 Summer Conference	157.00
Wesco Distribution, Inc.	Jackets/Electric Dept.	1,134.20
	TOTAL:	323,251.63

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Mr. Steve Heldt, representing Gertrude Sund, requested Council's approval of an Ordinance approving the rezoning of Lots 1 and 2, Sund First Subdivision, from A-1 Agricultural to R-1 Single Family Residential District. Following discussion, Mayor Cook closed the Public Hearing. An Ordinance entitled "AN ORDINANCE TO REZONE LOTS 1 AND 2, SUND FIRST ADDITION, FROM A-1 AGRICULTURAL 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 Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Miller, to approve Ordinance No. 2199 on Final Reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

Mr. Steve Heldt, requested Council's approval of a Resolution approving the Plat of Sund First Subdivision. Following the reading of said Resolution, moved by Fagot, seconded by Tomasek, to approve Resolution No. 05-13. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-13

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

The plat of SUND FIRST SUBDIVISION, of part of the North One-Half of the Northwest Quarter of Section 1, township 9 North, Range 22 West of the 6th P.M., Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED, May 24, 2005

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**SUBDIVISION
AGREEMENT:**

Peplitsch requested Council's approval of a Subdivision Agreement on Sund First Subdivision. Following discussion, moved by Fagot, seconded by Tomasek, to approve Subdivision Agreement on Sund First Subdivision. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

**INDOOR RECREATION
COMPLEX:**

Ken Schumacher, representing the Lexington Optimist Club, requested Council's approval of an Indoor Recreation Complex project at the Lexington Optimist Recreation Center. Following discussion, moved by Cook, seconded by Miller, to refer this project to the Parks and Trails Committee for further study, evaluation, and a determination of whether, or how, this project fits with the current planning parameters, and then ask that Committee to report back to Council. Roll call. Voting "aye" was Cook. Voting "nay" were Tomasek, Bennett, Fagot, Miller. Motion denied.

Moved by Fagot, seconded by Tomasek, to authorize Administration to work with the Lexington Optimist Club on the design and location of the proposed Indoor Recreation Complex, and allow the facility to be built on City-owned property, with the understanding that prior to construction, Council approval is needed. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot. Voting "nay" was Cook. Motion carried.

**SPECULATIVE BUILDING
REPORT:**

Jerry Brown, representing the Community Development Advisory Board, presented the City Council with a Report on Speculative Buildings. Following Mr. Brown's presentation, moved by Cook, seconded by Miller, to accept the Community Development Advisory Board Report on Speculative Buildings. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

**DAWSON AREA
DEVELOPMENT:**

Vance Bricker, Interim Director of Dawson Area Development, reported to Council, on his temporary position with DAD, a brief review on the history and purpose of Dawson Area Development, and

stated that Lexington needed to fill a position on the DAD Board of Directors. Council thanked Mr. Bricker for his presentation and input on DAD.

PARKS AND TRAILS:

Vicki Gilpin, representing the Parks and Trails Committee reported to Council, on the projects and goals of the Parks and Trails Committee. In addition to the Report, Ms. Gilpin requested the City Council's approval to solicit services of a Landscape Architect to assist the Committee in developing a plan for renovating current parks, and allow the Committee to submit an Intent to Apply for Funds from the Transportation Enhancement Program. Following discussion, moved by Cook, seconded by Tomasek, to approve the request by the Parks and Trails Committee to hire a Landscape Architect to assist in developing a plan for renovating current Lexington Parks, and allow submission of an Intent to Apply for a Federal Transportation Enhancement Program Funds. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

LEXINGTON DEVELOPMENT:

John Wightman and Steve Heldt, representing Lexington Development, LLC, gave a presentation on a proposed development area in the northwest area of Lexington, which would include a Golf Course, Housing, and Parks and Trails. Following the presentation, Council was requested to submit a vote of support of Green Space for the City, as well as, financial support to help pay for some of the land, which would be used for Parks and Trails. Following discussion, moved by Fagot, seconded by Miller, to authorize Lexington Mayor to attend June 9th Meeting of Lexington Development, LLC, as a City representative, and speak on behalf of the City in support of the development project. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

RESOLUTION:

Peplitsch requested Council's approval of a Resolution approving placement of stop signs. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 05-14 approving placement of stop signs and removing existing stop signs, thereby providing protection for through traffic on 7th Street and 8th Street from Adams Street to Lincoln Street. Roll call. Voting "aye" were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

RESOLUTION NO. 05-14

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 AS FOLLOWS:

That in order to provide for orderly movement of traffic in areas affected by the newly constructed Adams Street Viaduct, the Lexington City Manager is hereby authorized and directed to install new stop signs and remove existing stop signs as indicated in the attached map, thereby providing protection for through traffic on 7th Street and 8th Street from Adams Street to Lincoln Street.

Passed and approved May 24, 2005.

CITY OF LEXINGTON, NEBRASKA

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

RESOLUTION:

Peplitsch requested Council's approval of a Resolution accepting the 2005 National Electric Code. Following discussion, moved by Tomasek, seconded by Fagot, to approve Resolution No. 05-15 accepting the 2005 National Electric Code. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-15

WHEREAS, Lexington City Code Section 6-23, authorizes the City Council to approve by Resolution subsequent editions of electrical codes.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the 2005 Edition of the National Electric Code is hereby adopted, with the exception that Section 210.12 relating to arc-Fault equipment is deleted.

That the building code therein adopted shall take effect upon the adoption of this Resolution and the filing of one copy with the City Clerk.

PASSED AND APPROVED this 24th day of May, 2005.

CITY OF LEXINGTON, NEBRASKA

Ted Cook, President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

FINANCIAL REPORT:

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

EXECUTIVE SESSION:

Moved by Tomasek, seconded by Bennett, to enter into Executive Session at 8:44 p.m., for the purpose of discussing purchase of land. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Miller, to reconvene Regular Session from Executive Session, at 9:13 p.m. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Discussion was held regarding a cooperative effort with the rural fire district. Council directed Administration to draft a letter of support to the Rural Fire District regarding joint venture.

Discussion was held regarding a City Welcome Sign at the I-80 entrance to the community. Council directed the City Manager to develop a concept for future consideration.

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