

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

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

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 Acknowledgement 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 – 06-28-05: Minutes of the Regular Meeting scheduled for Tuesday, June 28, 2005 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Regular Meeting held June 28, 2005 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,123,388.62 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, and authorize the City Treasurer to transfer \$208,061.53 from the General Fund, \$4,042.50 from Ed Reuse, \$850,456.98 from LEXUS, \$10,000.00 from Sanitation, \$3,129.40 from Landfill Fund, \$1,940.31 from Ambulance Fund, \$37,203.14 from Health Fund, \$8,554.76 from Meals on Wheels, to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
July 12, 2005

Action Target	Police Dept. Supplies	236.66
Aldana, Janer	Ambulance Refund	390.00
All Points Cooperative	Fuel & Supplies	479.08
Alltel	Cellphone Service	130.42
Associated Pool Builders, Inc.	Service Pool	4,423.00
Audio Editions	Book	15.25
Awards Plus	Police Dept. Supplies	35.00
Awards Unlimited	Rec. Dept. Supplies	248.58
B & D Office City	Office Supplies	155.15
Barco Municipal Products	Street Supplies	123.37
Barmore Drug Store, Inc.	Office Supplies	12.95
Berntson Oil	Fuel / Oil	4,763.42

Better Homes And Gardens	Book	29.91
Business & Professional Credit	Collection Fees	336.09
Cadwell Construction Co., Inc.	Tap Refund	1,913.28
Card Center/Orscheln	Supplies	363.60
Case Credit Advantage	Misc. Supplies / Repair	1,001.73
Cash-Wa Distributing	Food & Supplies	2,685.60
Central Garage	Maint. / Repairs	12,807.30
Coca Cola/Dr. Pepper of Kearney	Beverages	960.00
Corporate Benefit Svcs of America	Claims	34,390.12
Corporate Benefit Svcs of America	Premiums	15,097.65
Culligan Water Conditioning Co.	Water Service	211.20
D & R Computing	Office Supplies	49.99
Dan's Sanitation	Sanitation Fees	11,136.50
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Public Power	Steel Poles	4,155.83
Dawson County Register of Deeds	Filing Fees	71.50
Dawson County Weed Control	Chemical Application	3,032.40
Dawson Pest Control	Bldg. Maintenance	27.00
Donnelson, Gary	Street Supplies	40.00
Dutton-Lainson Company	Street Supplies	1,708.27
Eakes Office Products	Office Supplies	154.84
Electric Fixture	Electric Supplies	844.41
EMS Billing Services, Inc.	Ambulance Billing	1,144.49
Fagot Refrigeration & Electric	Service/Repair	143.98
Farmer Brothers Coffee	Food	57.54
Gateway Companies, Inc.	Computers/Monitors	3,453.09
Gehl's Guernsey Farms	Pool Supplies	82.00
Good Housekeeping	Subscription	20.00
Great Plains One-Call Service	Locates	91.49
H2O Technical Services, Inc.	Ferric Chloride/Polymer	5,592.28
Halsen Products Company	Uniform Expense	271.41
Harker's	Food	177.43
Hipp Wholesale Foods, Inc.	Food & Supplies	593.02
Hometown Leasing	Copier Lease	697.04
Husker Ag Sales	Street Supplies	173.07
Ingram Library Services	Books	126.72
Jensen, Deb	Conference/Seminars	27.51
JMS Millwright & Repair	Crane Rental	150.00
Jones Plumbing & Heating	Misc. Supplies / Repair	338.50
Kemps-Gillette	Beverages	307.48
Large, Jean	Reimburse Cemetery Space	200.00
Lexington Animal Clinic	Animal Care	489.00
Lex Area Solid Waste Agency	Special Waste Expense	1,573.20
Lexington Health Fund	Self-Funding	25,975.49
Lexington Newspapers, Inc.	Publications	586.95
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto	Central Garage Supplies	20.00
Lexington True Value	Misc. Supplies	138.21
Lexington Volunteer Fire Dept.	Amb. Fees/Fire School	2,499.48
Lexington, City of	Franchise/Service Fees	31,037.13
Payroll	Wages	120,745.30
Social Security	Employer Port/FICA Med	9,116.68
First National Bank	Employer Portion/Pension	3,361.64
First National Bank	Police Pension	1,255.06
ICMA	City Manager Pension	266.62
Luther, Ann	Conference/Seminars	11.32

Mac's Short Stop	Food	63.24
Marlin Leasing Corp.	Mail Machine Payment	570.16
Mead/Big Valley Lumber	Maintenance Supplies	40.55
Mead Rental Center	Central Garage Supplies	9.56
Merchant JT&S	Electric Dept./Book	430.00
Mick's Platte Valley Glass	Window Repair	350.00
Mid-Nebraska Food Bank	Food & Supplies	66.47
Mid-State Units	Park Rentals	720.00
Milco Environmental Services Inc.	WWTP Testing	500.00
Miller & Associates	G I S System	9,919.75
Misko Sporting Goods	Rec. Dept. Supplies	64.99
Municipal Emergency Services	Uniform Expense	758.83
Naumann, Sondra	Cleaning Service	24.00
NE Dept of Economic Dev.	Orthman's CDBG Loan Payment	4,042.50
Nebraska Public Power District	Power Purchase	643,777.27
Nebraska Waste Handlers	Waste Removal	5,188.08
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Newman Traffic Signs	Street Supplies	312.10
OMB Police Supply	Bullet Proof Vests	1,977.99
Omnigraphics, Inc.	Book	37.55
Overton Sand & Gravel	Water Dept. Supplies	50.30
Oxmoor House	Book	32.91
Paulsen Inc.	Concrete	1,328.24
Platte Valley Auto Mart	Central Garage Supplies	36.96
Platte Valley Communications	Maintenance/Repairs	328.01
Plum Creek Motors	Maintenance/Repairs	601.24
Plum Creek Promotions	T-Shirts/Hats	1,107.82
Plum Creek Telephone Systems	Repair	191.26
Precision Sprinklers	Repair	21.91
Prime Shine Car Wash	Car Washes	112.50
Qwest	Library Phone Expense	61.61
Random House, Inc.	Books	114.75
S & W Auto Parts	Central Garage Supplies	675.18
Sav-A-Lot Discount Foods	Food	95.51
Schwan's Sales Ent	Food	115.90
Seward, Randell D.	Cleaning Service	400.00
Sign Pro	Fire Dept. Supplies	16.00
Steve's Lock & Key	Bldg. Maintenance	139.67
Subway of Lexington	Food	24.35
T. O. Haas Tire Co., Inc.	Tire Repair	69.75
Team Detail & Quicklube	Car Washes	40.00
TierOne-Lib. Petty Cash	Petty Cash	42.60
Total Lawn Care	Lawn Care	1,685.00
Tri-City Tribune	Publications	52.00
Tri-County Hospital	Wellness/Chemical Tests	290.00
U-Save Business Equipment	Office Supplies	657.62
Univar USA Inc.	WWTP Supplies	551.00
Utility Equipment	Water Dept. Supplies	35.95
Van Diest Supply Company	Insecticide Spray	1,578.00
Vic's Corn Popper	Food	121.56
Wal-Mart	Misc. Supplies	618.49
Wesco Distribution, Inc.	Electric Dept. Supplies	1,338.14
Willard Weinhold Law Office	Fees	2,261.07
Awards Unlimited	Rec. Supplies	134.28

Beringer Ciaccio Dennell Mabrey	Architect/Library	3,957.87
Brody Chemical	Park/Cemetery Supplies	267.08
Card Center/Orscheln	Misc. Supplies	357.03
Cash-Wa Distributing	Food & Supplies	3,280.81
Coca Cola/Dr. Pepper of Kearney	Beverages	1,167.00
Corporate Benefit Svcs of America	Claims	2,743.02
Dawson County Public Power	Electricity	7,004.96
Don McCandless Backhoeing	Sludge Removal	966.00
Facts on File, Inc.	Books	239.68
Fagot Refrigeration & Electric	Repair/Supplies	2,640.06
Family Eyewear	Safety Glasses/Riege/ Bonsack	439.41
Fastenal	Misc. Supplies	547.77
Gengenbach, Kevin	Rental	270.00
Harker's	Food	235.07
Holiday Inn	Conf/Seminars/Wolf	132.00
Incode-CMS	Software Installation	960.00
Ingram Library Services	Books	32.26
Keim, Bob	Freon Removal	270.00
Kemps-Gillette	Beverages	-49.77
Lexington Newspapers, Inc.	Publications	199.15
Liehs Drilling	Well Repair/Well Rebuild	40,969.93
Lien Lawn Services	Lawn Care	925.00
Mac's Short Stop	Food	299.55
Martin Electric	WWTP Service	146.68
McCookNet Internet Service	Fin. Management Server	5,995.00
Mead/Big Valley Lumber	Rec. Supplies	379.60
Mid-Nebraska Printing	Office Supplies	52.00
Municipal Supply	Water Dept. Supplies	284.41
National Waterworks	Water Dept. Supplies	388.38
Nebraska Amateur Softball Assoc.	Tournament Entry Fees	3,950.00
Nebraska Department of Revenue	Sales/Use Tax	32,847.97
Nebraska Planning & Zoning Assoc	Membership Fee	40.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,487.82
Nelson, Margie L.	Cleaning Service	50.00
Osborne, Cyndi	Office Supplies	3.18
PDR for Nonprescription Drugs	Book	69.95
Paulsen Inc.	Gravel	98.34
Plum Creek Promotions	T-Shirts	2,750.72
Random House, Inc.	Books	120.75
Recorded Books	Books	211.20
Roemmich, Tiffany	Pool Supplies	45.00
Sav A Lot Discount Foods	Food	65.78
Schwan's Sales Ent	Food	115.90
Telegraph	Publications	295.46
Thomas Bouregy & Company, Inc.	Books	138.00
Thompson Learning	Books	108.23
TierOne-City Petty Cash	Petty Cash	36.19
TierOne-Lib. Petty Cash	Petty Cash	8.90
Time	Subscription	66.60
Tri-City Tribune	Publications	52.00
U-Save Business Equipment	UPS Charges	14.21
Wal-Mart	Misc. Supplies	159.34
Wesco Distribution, Inc.	Electric Dept. Supplies	239.68
Wolf, Tracy	Conference/Seminars	267.44

TOTAL: 1,123,388.62

PUBLIC COMMENT PERIOD:

Sharon Caraballo expressed her concern regarding many of the downtown businesses signs that are only printed in Spanish, and how many of the citizens of Lexington cannot read the signs. She also expressed her concern regarding residential homes that seem to have more than one family living in them, and how she would like to see this corrected.

NO PARKING ZONE:

Hearing no opposition, an Ordinance entitled “AN ORDINANCE TO AMEN SECTION 16-56 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING ON ERIE STREET ABUTTING EAGLE RUN APARTMENTS; 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 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.

Said Ordinance was read before Council. Moved by Fagot, seconded by Bennett, to approve Ordinance No. 2201 on Final Reading. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

MULTICULTURAL COMMISSION:

Mr. Jerry Bergstrom, Principle of Pershing Elementary School, and Dr. Dick Eisenhauer, Superintendent of Lexington Public Schools, requested Council’s consideration of a proposal that would create a Multicultural Commission for the City of Lexington. Following discussion, Moved by Cook, seconded by Fagot, to direct City Staff to review and develop a proposal to create a Multicultural Commission for the City of Lexington, and bring back to the City Council for their consideration. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

REZONING & SUBDIVISION REQUEST:

Mayor Cook opened the Public Hearing. Mr. John Wightman, representing Max and Theresa McFarland, requested Council’s approval of a Subdivision Request on McFarland’s property located at 2702 N. Adams Street, and a Rezoning Request on the property from A-1 to R-1. Following Mr. Wightman’s presentation, Mayor Cook closed the Public Hearing. Moved by Tomasek, seconded by Bennett, to approve Resolution No. 05-17 approving the Plat of McFarland Subdivision. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-17

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

The plat of McFARLAND SUBDIVISION, being a part of the Southwest Quarter of the Southwest Quarter of Section 29, Township 10 North, Range 21 West of the 6th P.M., 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.

PASSED AND APPROVED this 12th day of July, 2005.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

An Ordinance entitled "AN ORDINANCE TO REZONE LOT 1 AND LOT 2 OF MCFARLAND SUBDIVISION 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 Bennett, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Miller, Tomasek, Bennett, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Tomasek, seconded by Bennett, to approve Ordinance No. 2202 on Final Reading. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

SUBDIVISION AGREEMENT:

A Subdivision Agreement between Max and Theresa McFarland, and the City of Lexington was presented to Council for their approval. Following discussion, moved by Fagot, seconded by Tomasek, to approve the Subdivision Agreement between Max and Theresa McFarland, and the City of Lexington, on McFarland Subdivision. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

SUBDIVISION REQUEST:

Mr. Ed Foster, representing Farmland Service Co-Op, Inc., requested Council's approval of a Subdivision Request for Farmland Service Co-Op Inc., on All Points Subdivision. Following discussion, moved by Tomasek, seconded by Fagot, to approve Resolution No. 05-18, approving the Plat of All Points Subdivision, located at 709 East Pacific, Lexington, Nebraska. Roll call. Voting "aye" were Miller, Bennett, Fagot, Tomasek, Cook. Motion carried.

RESOLUTION NO. 05-18
ALL POINTS SUBDIVISION

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

The plat of ALL POINTS SUBDIVISION, a part of the Lot 2, Tract F of the Subdivision of Section 5, Township 9 North, Range 21 West of the 6th P.M., in Dawson County, Nebraska, duly made out, acknowledged and certified to be and the same hereby is approved and

ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 12th day of July, 2005.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

SUBDIVISION REQUEST:

Peplitsch requested Council's approval of a Subdivision Request for the Community Redevelopment Authority of Lexington. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 05-19 approving the plat of Lexington Industrial 2nd Addition, located at 1100 East Walnut Street, Lexington, NE. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

RESOLUTION NO. 05-19
LEXINGTON INDUSTRIAL 2ND ADDITION

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

The plat of LEXINGTON INDUSTRIAL 2ND ADDITION to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified 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 whatsoever and subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED this 12th day of July, 2005.

CITY OF LEXINGTON, NEBRASKA

BY: Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 10 for the Lexington Public Library Project. Following discussion, moved by Bennett, seconded by Tomasek, to approve Pay Request No. 10 for the Lexington Public Library Project, to Lacy Construction Co., in the amount of \$174,483.12. Roll call. Voting "aye" were Fagot, Miller, Tomasek, Bennett, Cook. Motion carried.

**AMERITAS
INVESTMENT:**

Mr. Jim Fox, of Ameritas Investment, announced his Retirement from the company, effective August 1, 2005. Mr. Fox thanked Council, both past and present, and City Staff, for allowing him to service the City of Lexington. Mr. Mark Mumford was introduced to Council, as replacing Mr. Fox. Council thanked Mr. Fox for his many years of service to the City of Lexington.

**EXECUTIVE
SESSION:**

Moved by Tomasek, seconded by Bennett, to enter into Executive Session at 7:58 p.m., for the purpose of discussing the sale of property. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Bennett, to reconvene Regular Session from Executive Session at 8:21 p.m. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

Moved by Cook, seconded by Fagot, to reject all bids received on July 7, 2005, for the current Public Library, as well as, the House located to the north of the Library. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Peplitsch reported that there will be an All Hazard Mitigation Plan Meeting on August 9, 2005 at 7:00 p.m. in the City Council Chambers of the Lexington Municipal Building.

Council Member Tomasek commended Ann Luther and the City Staff for the great job they did, during the Softball Tournament last weekend. Mr. Tomasek stated that everything seemed to go well, and a good time was enjoyed by all.

Council Member Bennett inquired about the U-Turn problems in the downtown area. Peplitsch stated that he would address the issue.

It was reported that there will be an Economic Development Marketing Meeting that is scheduled for July 20th at 5:00 p.m. in the City Council Chambers.

Peplitsch reported that Administration will begin a newsletter on the City's Website, beginning in August.

Mayor Cook reported that the Department of Roads will be conducting a Traffic Study at U.S. Highway 30 and the Fairbanks crossing. The City will coordinate with Dawson County on this project.

Miller reported that the Parks and Trails Committee will be conducting a Public Forum on Thursday, July 21st, from 5:30 p.m. – 7:30 p.m., at the Grand Generation Center.

ADJOURNMENT:

There being no further business to come before the 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