

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 9, 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, 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. Citizens in attendance included Kent Cordes representing Miller and Associates, Rick Klamm, Neal Kohl, John and Chris Salem, and Roger Pentz.

**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 – 07-26-05:** Minutes of the Regular Meeting scheduled for Tuesday, July 26, 2005 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Regular Meeting held July 26, 2005 as presented. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,106,254.04 was 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 \$175,256.16 from the General Fund, \$4,042.50 from Ed Reuse, \$894,828.43 from LEXUS, \$10,000.00 from Sanitation, \$5,883.86 from Landfill, \$1,852.46 from Ambulance Fund, \$8,172.90 from Health Fund, \$6,228.73 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  
August 9, 2005

A&E Television Networks	Book	299.90
Aesseal Esp, LLC	Sludge Pak	395.62
Aguado, Nery	Utility Refund	32.68
All Points Cooperative	WWTP Expense	22.98
Arnold Pool Company	Pool Expense	819.21
Automotive Sales & Service	Central Garage Supplies	35.62
Barmore Drug Store, Inc.	Ambulance Supplies	22.75
Barnes Distribution	Electric Supplies	7.07
Beringer Ciaccio Dennell Mabrey	Architect/Library	2,335.84
Berntson Oil	Fuel	4,594.74
Better Homes And Gardens	Book	32.01
Blackburn Mfg. Co.	Utility Supplies	156.07

Bob's Auto Repair & Service	Central Garage Repair/ Supplies	466.65
Box Bar, The	Food	23.43
Card Center/Orscheln	Supplies	923.30
Case Credit Advantage	Misc. Supplies	233.64
Cash-Wa Distributing	Food & Supplies	900.64
Central Garage Fund	Supplies/Repairs	18,618.41
Certified Laboratories	Central Garage Supplies	142.11
Coca Cola/Dr. Pepper of Kearney	Beverages	453.00
Comfort Inn	Conference/Seminars	53.96
Conney Safety Products	Misc. Supplies	148.75
Cozad Services, Inc.	WWTP Expense	250.00
Dan's Sanitation	Sanitation Fees	11,381.50
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Register of Deeds	Filing Fees	77.50
Dawson Pest Control	Building Maintenance	45.00
Diamond Vogel Paint	Street Expense	2,849.65
Dunrite, Inc.	Park Expense	68.55
Dutton-Lainson Company	Elec. Supplies/Transformers	43,200.01
Electric Fixture	Electric Supplies	3,949.98
Fastenal	Street Equipment	3.75
FC&A	Book	33.96
FYR-TEK	Equipment Repair/Service	1,030.00
Gateway Companies, Inc.	Computers	2,302.06
Gengenbach, Kevin	Rental	220.00
Great Plains One-Call Service	Locates	72.49
Health Claims Fund/CBSA	Claims	7,966.80
Hometown Leasing	Copier Lease	697.04
Husker Ag Sales	Central Garage Supplies	540.48
Incode-CMS	Annual Software Maint.	9,263.75
Ingram Library Services	Books	99.84
Jones Plumbing & Heating	Repair/Service	296.73
K & K Parts Co., Inc.	Water Supplies	187.72
Keim, Bob	Freon Removal	285.00
Knapp Electric	Street Supplies	136.55
Kriz Davis Company	Electric Supplies	3,350.04
League of Nebraska Municipalities	Membership Dues	6,727.00
Lex Area Chamber of Commerce	Conference/Seminars	24.00
Lex Area Solid Waste Agency	Landfill	1,084.68
Lexington Animal Clinic	Animal Care	791.25
Lexington Glass Company	Repair	40.00
Lexington Newspapers, Inc.	Publications	533.85
Lexington Postmaster	Postage	150.00
Lexington True Value	Misc. Supplies	213.62
Lexington, City of	Franchise/Service Fees	37,790.00
Payroll	Wages	108,934.84
Social Security	Employer Portion / FICA Med	8,211.01
First National Bank	Employer Portion/Pension	3,301.66
First National Bank	Police Pension	1,111.56
ICMA	City Manager Pension	238.80
Linden's Plumbing	Repair	44.58
Mac's Short Stop	Food	24.90
Marlin Leasing Corp.	Mailing Machine	570.16
Mead/Big Valley Lumber	Maintenance Supplies	22.56
Mead Rental Center	Central Garage Supplies	159.95
Michael Todd & Co., Inc.	Water Supplies	31.99

Mid-Nebraska Printing	Office Supplies	9.27
Milco Environmental Services	WWTP Testing	5,051.65
MPH Industries, Inc.	Repair	180.73
Mr. Automotive	Repair/Service	26.40
Municipal Emergency Services	Uniform Expense	193.42
Municipal Supply	Water Supplies	177.88
National League of Cities	Membership Dues	1,273.00
Nebraska Community Foundation	Membership Dues	1,900.00
Nebraska Dept. of Economic Dev.	Orthman's CDBG Loan Payment	4,042.50
Nebraska Machinery	Central Garage Supplies	3,877.87
NE Planning & Zoning Association	Conference/Seminars	140.00
Nebraska Public Power District	Power Purchase	679,102.97
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,540.14
Nebraska Waste Handlers	Sludge Removal	10,827.31
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Olsson Associates	15mVA Substn. Add./ Elec. Svc.-Ethanol Plant	2,006.85
Paulsen Inc.	Concrete/Gravel	1,095.96
Peplitsch, Joe	Conference/Seminars	277.45
Pioneer Industrial Corp.	WWTP Supplies	144.00
Platte Valley Communications	Maintenance/Repairs	192.00
Plum Creek Motors	Maintenance Supplies	291.26
Qwest	Repair/Library Phone Exp.	212.96
Reliable Office Supply	Office Supplies	55.28
Reutlinger, Troy	Conference/Seminars	427.68
S & W Auto Parts	Central Garage Supplies	833.99
Sav-A-Lot Discount Foods	Food	1.38
Service Master Mid Nebraska	Cleaning Service	55.00
Seward, Randell D.	Cleaning Service	44.00
Sommer, Joan L.	Reimburse Cemetery Space	75.00
Specialty Store Services, Inc.	Library Supplies	57.81
Steve's Lock & Key	Repair	60.00
Subway of Lexington	Food	36.65
T. O. Haas Tire Co., Inc.	Tires/Repair	2,892.10
TASC	Flex Plan	144.00
Team Detail & Quicklube	Car Washes	40.00
TierOne Bank	Interim Financing Interest	4,606.20
TierOne-Lib. Petty Cash	Petty Cash	6.20
Total Lawn Care	Lawn Care	1,404.00
Tri-County Hospital	Wellness/Service	445.00
Utilities Section-League of Nebr. Municipalities	Membership Dues/ Conference/Seminars	4,349.00
Wal-Mart	Misc. Supplies	472.23
Wesco Distribution, Inc.	Elec. Supplies/Insulators	8,223.26
Willard Weinhold Law Office	Fees	1,719.50
World Chamber of Commerce Dir.	Book	45.00
All Points Cooperative	Fuel/Supplies	187.36
Alltel	Cellphone Service	92.89
Anderson Graphics	State Softball Supplies	310.00
Associated Supply Company, Inc.	Pool Chemicals/Supplies	396.58
B & D Office City	Office Supplies	13.18
Barajas, Maria	Electric Rebate	1,025.00
Brecks, Bill	Lawn Care	150.00
Card Center/Orschlen	Misc. Supplies	65.13
Cash-Wa Distributing	Food & Supplies	2,933.55

Coca Cola/Dr. Pepper of Kearney	Beverages	771.50
Culligan Water Conditioning Co.	Soft Water Supplies	179.20
Cunningham, Betty	Electric Rebate	1,025.00
Dan's Sanitation	Sanitation Fees	1,389.00
Dawson County Public Power	Electricity	300.43
Dawson Pest Control	Building Maintenance	27.00
Demco	Office Supplies	160.20
EMS Billing Services, Inc.	Ambulance Billing	1,453.25
Environmental Pest Control	Building Maintenance	70.00
Fagot Refrigeration & Electric	Service/Repair	236.09
Fastenal	WWTP Supplies	24.55
Gnirk Lawn Care	Lawn Care	739.20
Halsen Products Company	Uniform Expense	305.21
Harker's	Food	695.42
Hipp Wholesale Foods, Inc.	Food & Supplies	1,177.69
Hydraulic Equipment Service	Electric Dept. Supplies	556.89
I. A. E. I.	Membership Dues	90.00
Ingram Library Services	Books	33.32
Jim Phillips Construction	Fence/Madison St. Crossing	4,870.00
Jones Plumbing & Heating	Service/Compressor	1,448.45
Kemps-Gillette	Beverages	414.28
Lexington Baseball Commission	Food	182.00
Lexington Newspapers, Inc.	Publications	358.08
Lien Lawn Services	Lawn Care	740.00
Linda's Stitches & Creations	Shirts	142.50
Linweld	Oxygen Supplies	37.48
Mac's Short Stop	Food	15.92
Mead/Big Valley Lumber	Water Dept. Supplies	105.90
Meridian Library System	Conference/Seminars	60.00
Merino, Noris A.	Utility Refund	0.77
Mid-Nebraska Printing	Office Supplies	442.63
Municipal Supply	Water Dept. Supplies	454.20
Nat. Institute of Bus. Management	Subscription	287.90
National Waterworks	Water Dept. Supplies	532.90
Nebraska Department of Revenue	Sales & Use Tax	41,273.64
Nebraska Machinery Co.	Central Garage Supplies	-2,283.11
Nebraska Truck & Equipment Co.	Elec. Dept. Equip. Repair	1,401.67
OMB Police Supply	Police Dept. Supplies	271.95
S & W Auto Parts, Inc.	Maintenance Supplies	54.02
Save-A-Lot Discount Foods	Food	74.82
Schwan's Sales Ent	Food	443.62
Sparling Instruments, Inc.	Water Dept. Service	549.08
Steve's Lock & Key	Pool Dept. Service/Repair	601.55
T. L. Sund Constructors, Inc.	Electric Rebate	1,025.00
TierOne-City Petty Cash	Meals/Postage	30.74
TierOne-Lib. Petty Cash	Postage	42.25
Tri-City Tribune	Publications	104.00
U-Save Business Equipment	Office Supplies	9.08
Wal-Mart	Misc. Supplies	366.83
Wesco Distribution, Inc.	Electric Dept. Supplies	1,810.90
W P C I	Drug Test	27.10
	TOTAL:	1,106,254.04

**ALL HAZARD MITIGATION PLAN:**

This being the second public meeting held regarding Lexington's All Hazard Mitigation Plan, Mr. Steve McMaster, representing the Department of Natural Resources, presented those in attendance with a Draft Report compiled by his office. Items discussed and presented by Mr. McMaster included the following: Structural Inventory of Lexington, Flooding Background, Flood Vulnerability, Flood Mitigation Projects, Clean and Grub Spring Creek, Levee and Retention/Detention, Floodproofing Infrastructure, Flood Plain Regulations, Flood Insurance, Public Education, Tornado Background, Tornado Vulnerability, Potential Tornado Projects, Summer Storm Background, Summer Storm Vulnerability, Potential Severe Storm Projects, Winter Storm Background, Potential Winter Storm Projects, Economic Disaster, Economic Vulnerability. Input by the public included the following, which has been prioritized: Flood Plain Mapping, Awareness Programs for Severe Weather which would also be available in Spanish, and Identifying Storm Structures. Mr. McMaster reported that he will finalize the draft report, and submit to FEMA. Following FEMA's review, it will then be presented to Council for their consideration.

**PAY REQUEST:**

Pepplitsch requested Council's approval of Pay Request No. 11 for the Lexington Public Library Project. Following discussion, moved by Tomasek, seconded by Bennett, to approve Pay Request No. 11 for the Lexington Public Library Project, to Lacy Construction Co., in the amount of \$132,724.35. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

**CITY MAINTENANCE RENEWAL:**

Pepplitsch requested Council's approval of a Maintenance Agreement between the City of Lexington, and the Nebraska Department of Roads. Following discussion, moved by Miller, seconded by Fagot to approve the Maintenance Renewal Agreement between the City of Lexington and the Nebraska Department of Roads. Roll call. Voting "aye" were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**REAL ESTATE PURCHASE AGREEMENT:**

Pepplitsch requested Council's approval of a Purchase Agreement between the City of Lexington and Dawson County School District No. 1, for a House located at 1006 N. Washington, and the current Library Facility located at 103 East 10<sup>th</sup> Street. Following discussion, moved by Fagot, seconded by Miller, to approve the Purchase Agreement between the City of Lexington and Dawson County School District No. 1. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

**ORDINANCE:**

Following discussion, an Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF OLD LIBRARY PROPERTY; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE", 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. 2203 on Final Reading. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

**SUMMIT REPORT:**

Discussion was held regarding the Community and Economic Development Summit Report, which on June 28, 2005, Council had forwarded on to the Community Development Advisory Board for review. Mayor Cook reported that during a discussion with City Attorney Weinhold, there were many questions raised, and because of that he would like the Report rescinded from the CDAB, and sent back to the Economic Development Summit Committee. Councilman Fagot stated that he would like the CDAB to continue to review the Report. Following discussion, moved by Cook, seconded by Miller, to rescind the Community and Economic Development Summit Report from the CDAB, and send it back to the Economic Development Summit Committee for revision. Roll call. Voting "aye" were Bennett, Miller, Cook. Voting "nay" were Tomasek and Fagot. Motion carries.

**ROUNDTABLE  
DISCUSSION:**

Pepplitsch reported that the first 2005-2006 Budget Workshop for the City of Lexington is scheduled for 12:00 p.m. August 10, 2005. Future Budget Workshops will be scheduled at that meeting.

Councilman Fagot expressed his concern regarding the image of Lexington, and that the recent luncheon meeting held for Governor Heineman at the Holiday Inn Express reflected poorly on the community. Comments were made by various people to Councilman Fagot, regarding how the meeting had been orchestrated to meet some personal agendas, and that some dignitaries in attendance were ignored, which was disrespectful and discourteous. Fagot further stated that if the community of Lexington is going to be improved, they need to be led by example. He had received apologies from the Chamber of Commerce because they feel they were in error in some of the things that were done. Mayor Cook responded by stating that Councilman Fagot's comments are out of line, that the Chamber of Commerce did a wonderful job putting the luncheon on, and it was well attended.

**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