

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 13, 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. Department Head present was 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 – 08-23-05:** Minutes of the Regular Meeting scheduled for Tuesday, August 23, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Fagot, to approve the Minutes of the Regular Meeting held August 23, 2005 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

**MINUTES – BUDGET WORKSHOP – 08-23-05:** Minutes of the Budget Workshop Meeting scheduled for Tuesday, August 23, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Fagot, to approve the Minutes of the Budget Workshop Meeting held August 23, 2005 as presented. Roll call. Voting “aye” were Tomasek, Bennett, Fagot, Miller, Cook. Motion carried.

**MINUTES – BUDGET WORKSHOP – 08-26-05:** Minutes of the Budget Workshop Meeting scheduled for Friday, August 26, 2005 was presented for Council’s consideration and approval. Moved by Miller, seconded by Fagot, to approve the Minutes of the Budget Workshop Meeting held August 26, 2005 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,193,545.60 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$217,408.20 from the General Fund, \$62,582.93 from Economic Development, \$58,342.02 from TIF, \$4,042.50 from Ed Reuse, \$1,785,243.25 from LEXUS, \$10,000.00 from Sanitation, \$19,266.00 from Landfill, \$6,920.05 from Ambulance Fund, \$20,018.45 from Health Fund, \$9,722.20 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 September 13, 2005

A C Technologies, LLC	New Library Phone Installation	2,724.59
Accu Cut Systems	Books	492.00
Alamar Uniform Company	Uniform Expense	315.52
All Points Cooperative	Fuel & Supplies	133.72
Alltel	Cellphone Service	148.20
Associated Supply Company, Inc.	Pool Supplies	299.97
Auto Glass Center	Repairs	177.13
Barmore Drug Store, Inc.	Office Supplies	39.47
Beringer Ciaccio Dennell Mabrey	Architect/Library	3,516.00
Berntson Oil	Fuel/Oil	4,997.82
Card Center/Orscheln	Misc. Supplies	352.13
Case Credit Advantage	Misc. Supplies	127.24
Cash-Wa Distributing	Food & Supplies	1,140.63
Castro, Juventino	Electric Rebate	900.00
Central Garage Fund	Supplies/Repairs	17,495.10
Central Tire & Tread	Tire Repair	22.00
Corporate Benefit Svcs of America	Premium	18,616.44
Culligan Water Conditioning Co.	Soft Water Supplies	188.20
Dan's Sanitation	Sanitation Fees	12,520.50
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Hanidbus	Transportation	106.00
Dawson County Register of Deeds	Filing Fees	5.50
Dawson Pest Control	Building Maintenance	27.00
Dutton-Lainson Company	Electric Supplies	64.20
Eakes Office Products	Office Supplies	128.98
Egan Supply Company	Cleaning Supplies	163.42
Electric Fixture	Electric Supplies	667.48
Fagot Refrigeration & Electric	Service/Repair	892.59
Farmer Brothers Coffee	Food	120.27
Fisher Scientific	WWTP Supplies	299.27
Fox Bros. Hay Co., Inc.	Grinding Service	3,519.36
G Neil	Office Supplies	127.07
Gale Group, The	Books	158.72
Galls Inc.	Uniform Expense	331.55
Garcia, Mario	Electric Rebate	1,025.00
Gaylord Bros., Inc.	Library Supplies	36.09
Gengenbach, Kevin	Rental	220.00
Graphic Arts Shop	Police Dept. Supplies	476.20
Great Plains One-Call Service	Locates	76.66
Hach Company	Testing Supplies	52.20
Haines, Bill	Safety Boots	63.27
Harker's	Food	274.51
Health Claims Fund/CBSA	Claims	14,947.20
Hearst Corporation, The	Subscription	17.97
Heartland Clerks Association	Membership Dues	10.00
Hipp Wholesale Foods, Inc.	Food & Supplies	350.50
Hirst, Adrian E.	Book	16.50
Husker Ag Sales	Central Garage/WWTP Supplies	3,634.40
Ingram Library Services	Books	211.57
J H Lawn Service	Fertilizer Application/Lawn Care	536.00
Jensen, Deb	Conference/Seminar	34.23
Jones Plumbing & Heating	Repair/Service	1,347.35

Kemps-Gillette	Beverages	435.95
Kinder Morgan	Gas Service	828.00
Klauz, Rick	Training Class	316.00
Knapp Electric	WWTP Supplies	51.02
Kriz Davis Company	Switch/Connectors/Supplies	12,853.75
Lexington Animal Clinic	Animal Care	998.35
Lex Area Chamber of Commerce	Membership Dues	110.00
Lex Area Solid Waste Agency	Landfill	1,465.32
Lexington Baseball Commission	Concessions/Clean Rec Complex	1,400.00
Lexington Health Fund	Self-Funding	25,423.50
Lexington Newspapers, Inc.	Publications	61.27
Lexington Postmaster	Postage/Annual Fee	300.00
Lexington Recreation Program	Soccer Instruction/Officials	3,500.00
Lexington Swim Association	Clean Memorial Park	1,000.00
Lexington True Value	Misc. Supplies	14.75
Lexington, City of	Franchise/Service Fees	37,872.54
Payroll	Wages	94,823.00
Social Security	Employer Portion / FICA Med	7,136.91
First National Bank	Employer Portion / Pension	3,041.39
First National Bank	Police Pension	1,363.61
ICMA	City Manager Pension	238.80
Lexington Utilities System	Ethanol Plant Payback to WWTP	35,791.49
Lien Lawn Service	Lawn Care	930.00
Linweld	Ambulance Supplies	53.26
Lynn Peavey Company	Office Supplies	150.45
Marlin Leasing Corp.	Mailing Machine	570.16
Mead/Big Valley Lumber	Maintenance Supplies	581.50
Mead Rental Center	Central Garage/Electric Supplies	79.91
Michael Todd & Co., Inc.	Street Supplies	673.51
Mid-Nebraska Printing	Office Supplies	474.64
Miller & Associates	Adams St. Viaduct/So.Jefferson Paving/Sp.Creek Flood Plain Eval	33,560.04
Moore Medical Corp.	Ambulance Supplies	746.42
Municipal Emergency Services	Uniform Expense	4,159.13
Municipal Supply	WWTP Supplies	235.82
National Waterworks	Meters	9,749.54
Nebraska Community Foundation	Conference/Seminars	160.00
Nebraska Dept. of Economic Dev.	Orthman's CDBG Loan Payment	4,042.50
Nebraska Library Commission	Conference/Seminars	35.00
Nebraska Machinery	Central Garage Supplies	222.69
Nebraska Municipal Clerks Assoc.	Membership Dues	30.00
Nebraska Public Power District	Power Purchase	671,766.04
Nebraska Safety Council	Safety Video	5.00
Nebraska Statewide Arboretum	Conference/Seminars	70.00
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,502.63
Nebraska Waste Handlers	Sludge Removal	5,188.11
Nelson, Margie L.	Cleaning Service	500.00
Neopost	Postage	1,500.00
Olsson Associates	15mVA Substn. Add./Electrical Service to Ethanol Plant	3,734.35
OMB Police Supply	Police Dept. Supplies	53.48
Overton Sand & Gravel	Gravel/Fill Sand	238.39
Oxmoor House	Book	29.91
Pacheco, Pablo	Electric Rebate	900.00
Paulsen Inc.	Concrete/Gravel	3,503.59
Platte Valley Auto Mart	Maintenance	104.82

Platte Valley Communications	Maintenance	90.00
Plum Creek Auto Spa	Car Wash	5.50
Precision Sprinklers	Sprinkler Repair	54.02
Qwest	Library Phone Expense	61.64
Random House, Inc.	Books	338.85
Run-N-Iron	Police Dept. Supplies	345.00
S & W Auto Parts	Central Garage/Misc. Supplies	193.65
Sav-A-Lot Discount Foods	Food	23.85
Service Master Mid Nebraska	Cleaning Service	165.00
Shotkoski, William & Linda	Lease Refund	2,284.80
Sign Pro	Signs	45.00
Spider Fighters	Building Maintenance	115.00
Steve's Lock & Key	Repair	68.24
Subway of Lexington	Food	38.03
T. O. Haas Tire Co., Inc.	Tires/Repair	419.12
TASC	Flex Plan	144.00
Team Detail & Quicklube	Car Washes	179.90
Terryberry	Service Award Pins	506.88
TierOne-Lib. Petty Cash	Petty Cash/Postage	21.64
Tinglehoff, Sam	Safety Boots	18.71
Total Lawn Care	Lawn Care	1,687.00
Tri-County Hospital	Wellness/Service	1,068.80
U-Save Business Equipment	Office Supplies	472.62
Union Pacific Railroad Company	Viaduct	642.40
Viking Office Products	Office Supplies	35.36
Wal-Mart	Misc. Supplies	592.07
Wesco Distribution, Inc.	Electric Supplies/Transformers	2,292.71
Willard Weinhold Law Office	Fees	1,826.00
Zep Manufacturing Co.	Supplies	123.42
Zheng, J. Wen	Utility Refund	53.99
American Fence Company, Inc.	Street Supplies	692.60
BSB Construction	Lexington Sanitary Sewer Improvement/WWTP	55,000.00
Better Homes And Gardens	Book	24.91
Bottom Line/Health	Subscription	29.95
Brummet, Elberta	Mileage/Library	35.89
Business & Professional Credit	Collection Fees	44.66
Campus Bookstore #256	Book	95.00
Cash-Wa Distributing	Food & Supplies	409.88
Central Community College	Tuition/Bill Brecks	186.00
Comm. Redevelopment Authority	Wilkinson Development-TIF Payment (Lot 3 Travel Center)	18,640.86
Dawson County Public Power	Utility Expense	6,523.91
Depository Trust Co.	2002 Combined Util Bond Payment	706,725.00
Depository Trust Co.	2004 Combined Util Bond Payment	168,120.96
Eakes Office Products	Office Supplies	34.50
EMS Billing Services, Inc.	Ambulance Billing	866.24
Experience Works, Inc.	GGC Donation	520.00
Harker's	Food	171.21
Health Claims Fund	Claims	4,927.25
Hipp Wholesale Foods, Inc.	Food & Supplies	538.80
Hometown Leasing	Copier Lease	697.04
I. A. E. I., Nebraska Chapter	Conference/Seminars	109.00
Ingram Library Services	Books	765.20
Jim Phillips Construction	Street Exp/Sidewalk Replacement	1,048.00
Kemps-Gillette	Beverages	55.56

Kinder Morgan	Gas Service	979.67
Lexington Newspapers, Inc.	Publications/Advertisements	859.93
Mid-State Units	Rental	720.00
Mid-State Engineering & Testing	Landfill Eval/Project #103-13-12	19,266.00
Mr. Automotive	Repair	86.61
Municipal Emergency Services	Uniform Expense	100.00
Naumann, Sondra	Cleaning Service	72.00
Nebraska Department of Labor	Inspection/WWTP	75.00
Nebraska Department of Revenue	Sales & Use Tax	40,734.07
Nebraska Truck & Equipment Co.	TIF	3,909.67
Omaha Slings, Inc.	Electric Supplies	301.78
Omaha World Herald	Advertisement	467.26
Old Dominion Brush	Street Supplies	450.00
Platinum Plus For Business	WWTP Supplies	362.22
Platte Valley Communications	Radio Repair	675.00
Plum Creek Promotions	Soccer Shirts	2,160.18
Recorded Books	Books	259.20
Sav-A-Lot Discount Foods	Food	18.21
St. Paul Travelers	Insurance Premiums	4,360.00
TierOne Bank	Ind. Track Land Payment	60,298.13
TierOne-City Petty Cash	Petty Cash/Misc. Expense	133.18
TierOne-Lib. Petty Cash	Postage	45.69
U-Save Business Equipment	Office Supplies	269.99
Wal-Mart	Misc. Supplies	51.76
Wesco Distribution, Inc.	Electric Dept. Supplies	1,630.01
	<b>TOTAL:</b>	<b>2,193,545.60</b>

**PUBLIC COMMENT PERIOD:**

Mrs. Audrey Albright addressed the City Council regarding fence issues on the north and south side of her property, which is located at 1406 N. Washington. Visual obstruction on the south side of her property was the source of concern for Mrs. Albright. Following her comments, Mrs. Albright requested a response to her concerns in the near future.

**PAY REQUEST:**

Pepplitsch requested Council's approval of Pay Request Number 12 for the Lexington Library Project. Following discussion, moved by Tomasek, seconded by Bennett, to approve Pay Request No. 12 for the Lexington Library Project, to Lacy Construction Co., in the amount of \$148,054.65. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**10<sup>TH</sup> STREET PAVING IMPROVEMENTS:**

Dana Daniels, representing Miller & Associates, requested Council's approval of awarding the proposal for the 10<sup>th</sup> Street Paving Improvements. Following discussion, moved by Tomasek, seconded by Miller, to approve awarding the proposal for the 10<sup>th</sup> Street Paving Improvements to TL Sund Constructors in the amount of \$77,754.00. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**BUDGET HEARING:**

Mayor Cook opened the Public Hearing. Pepplitsch presented the proposed copy of Lexington's 2005-2006 Fiscal Year Budget, reviewing all the recommended changes made from the last Budget Workshop Meeting. Following Pepplitsch's presentation, Mayor Cook closed the Public Hearing.

**RESTRICTED FUNDS:**

Peplitsch requested Council's approval of increasing the Base of Restricted Funds by an additional One-Percent (1%). Following discussion, moved by Fagot, seconded by Tomasek, to increase the Base of Restricted Funds by an additional One-Percent (1%). Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

**TAX REQUEST RESOLUTION:**

Mayor Cook opened the Public Hearing. Following discussion, a Resolution entitled "A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2005-2006 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR" was read before Council. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller, to approve Resolution No. 05-21, setting the property tax request for fiscal year 2005-2006 at a different amount than the prior year. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

RESOLUTION NO. 05-21

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2005-2006 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR.

WHEREAS, the Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Lexington by a majority vote, resolves that:

1. The 2005-2006 property tax request be set at \$523,245.06.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2005.

PASSED AND APPROVED this 13<sup>th</sup> day of September, 2005.

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**APPROPRIATION  
ORDINANCE:**

Peplitsch requested Council's approval of an Ordinance adopting the Budget Statement for Fiscal Year 2005-2006. Following discussion, an Ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2005-2006. 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. Voting "nay" was Cook. Motion carried.

Said Ordinance was read by title. Moved by Fagot, seconded by Tomasek, to approve Ordinance No. 2203 on Final Reading. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot. Voting "nay" was Cook. Motion carried.

**EXECUTIVE SESSION:**

Moved by Miller, seconded by Tomasek, to enter into Executive Session at 8:01 p.m. for the purpose of discussing purchase of land. Roll call. Voting "aye" were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

Moved by Tomasek, seconded by Bennett, to reconvene Regular Session from Executive Session at 8:32 p.m. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**ROUNDTABLE  
DISCUSSION:**

Peplitsch reported to Council that Dan's Sanitation is requesting an increase in their fees, due to the recent increase in fuel costs. Administration was directed to submit a Resolution reflecting this increase, at the September 27, 2005 Meeting for Council's consideration.

**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.

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Deputy City Clerk