

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 22, 2001 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 John Fagot, Rick Klamm, John Salem, Steve Tomasek. Councilman Ted Cook was absent. City Officials present were City Manager Joe Pepsplitsch, 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 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 Fagot.

**MINUTES – REGULAR MEETING – 5-7-01:** Minutes of the Regular Meeting held Monday, May 7, 2001 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held May 7, 2001 as presented. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$398,735.17 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$245,447.83 from the General Fund, \$102,286.82 from LEXUS, \$20,975.73 from City Sanitation, \$24,267.45 from the Health Fund, \$5,757.34 from Meals on Wheels to the City of Lexington’s Operating Account. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
MAY 22, 2001 COUNCIL

All Points Cooperative	Carwash	10.00
Alltel	Cellular Chgs/Phone Upgrade(Rec)	284.39
American Library Association	Membership	125.00
Barco Municipal Products	WWTP Supplies	152.80
Berntson Oil	Fuel	2,900.48
Bottom Line/Personal	Subscriptions	39.00
C.B.S.A.	Employee Medical Claims	13,950.03
Cash-Wa Distributing	Food & Supplies	1,293.28
Central Garage Fund	Labor/Parts/Oil/Tires	13,954.99
Chesterman Co	Soda	17.90
Clark Enersen Partners, The	Fund Raising Exp	39.68
ClassRoomDirect.Com	P&I Supplies	104.51
Dawson County Public Power	Power Purchased	2,129.85
Dawson Co Register of Deeds	Filing Fees	5.50

Depository Trust Co	1996 GO Bond Pmt	140,486.25
Donnelson, Gary	County Plat Book	21.30
Dream Gardens Nursery Inc.	Replacement Trees	291.90
Dugan Business Forms	PR Checks/Disconnects	575.02
Eakes Office Products	Printer/Library	299.99
Egan Supply Co	Misc Supplies	116.55
Eilers Machine & Welding	Central Garage Supplies	18.25
Electric Fixture	Electric Supplies	754.36
Eustis Body Shop	Towing	45.00
Fagot Refrigeration & Electric	WWTP Repairs	787.47
Fairbanks International Inc	Central Garage Supplies	362.86
Floor Shine	LVFD Floors	67.00
Gale Group, The	Library Supplies	306.23
Gangwish Turf	Bluegrass Sod	75.60
Gengenbach, Kevin	Toilet Rental/Parks	270.00
Gillette/Nebraska Dairies	Dairy	172.80
Greg Larson Sports	Baseballs	140.75
Hipp Wholesale Foods Inc	Food & Supplies	1,046.21
Husker Ag Sales	Central Garage Supplies	8,545.02
Ingram Library Services	Library Books	172.80
Insurance & Personnel Svc	Employee 125 Acct	844.81
KN Energy Inc	Natural Gas Svc	2,109.30
Knapp Electric	Pump Repair	77.50
Kriz-Davis Co	Electric Supplies	359.45
League of Nebr Municipalities	Registration	208.00
Lexington Communications	Radio Repair	29.49
Lexington Newspapers	Publications	218.12
Lexington Public Library	Replenish Petty Cash	37.87
Lexington Recreation Program	Rec Wages/Pool & Conc Start-up	2,405.00
Lexington True Value	Misc Supplies	171.64
Lexington City Payroll	Wages	72,250.92
Social Security	Employer Portion FICA/Med	5,435.37
First National Bank	Employer Portion Pension	2,205.93
American Funds	Police Pension	974.23
ICMA	Pepplitsch Pension	180.00
M W Salvage	Freon & Appl Removal	47.00
Mead/Big Valley Lumber	Misc Supplies	502.42
Meyer Welding & Repair	Park Supplies	14.90
Michael Todd & Co., Inc	Gutter Brooms/LVFD Supplies	1,100.96
Mid-Nebraska Food Bank	Food/GGC	28.14
Misko Sporting Goods	Baseball Supplies	124.70
Morris Press & Office Supplies	Office Supplies	29.81
Municipal Supply	Tapping Saddle	252.13
Northern Tool & Equipment	Washer/Dethatcher	118.31
Omnigraphics, Inc	Library Supplies	33.15
Patty's Hallmark	Office Supplies	932.19
Paulsen Inc	Concrete/Gravel	264.13
PC Mall	Hub Port	142.37
Pedersen Power Products	Adams Substation Supplies/Labor	32,759.54
Pepplitsch, Joseph	Mileage Reimbursement	61.41
Platte Valley Auto Mart	Central Garage Supplies	68.81
Platte Valley Communications	Radio Repair/Monthly Maintain	95.95
Price's Tree Svc	Plant Trees/Rec Complex	3,500.00
Protective Life Insurance	Supplemental Ins	43.90
Quality Stores	Misc Supplies	533.89
S&S Repair	Computer Repair	56.00

S&W Auto Parts	Central Garage Supplies	568.26
Sport Supply Group	Rec Supplies	197.40
Subway of Lexington	Meals	30.60
T.O. Haas Tire Co	Tires	515.24
Taste of Home	Library Supplies	17.90
Tri County Hospital	Wellness Ctr Memberships	180.00
U Save Foods	Food & Supplies	153.48
Unique Books Inc	Library Supplies	785.93
Wal Mart	Misc Supplies	734.60
Wesco Distribution Inc	Electric Supplies	2,880.83
West Group	Statute Internet Svc	95.00
Western Engineering Co Inc	Street Supplies	480.77
Wildwood Tree Farm	Trees	5,569.00
Allstate Imaging Inc	Office Supplies	125.90
Alltel	Cellular Charges	111.98
Angulo, Ciro	Electric Rebate	1,150.00
Barco Municipal Products	Street Signs	145.98
Bullis, Robert	Electric Rebate	1,150.00
CBSA	Employee Medical	8,445.80
Comm Improvement Newsletter	Subscription	89.00
Dan's Sanitation	Solid Waste Charges	20,975.73
Earl May Nursery	Trees-Rec Complex	5,394.58
Electric Fixture	Electric Supplies	326.26
Fischer-Scientific	WWTP Testing Supplies	559.67
Greg Larson Sports	Recreation Supplies	199.97
Insurance & Personnel Svc	Employee 125 Acct	982.91
Kriz-Davis Company	Transformers/Supplies	5,757.34
Lexington Newspapers	Publications	227.32
Lexington, City of	Franchise Fees	19,939.56
McClain, Don	Mowing	100.00
NCK Software & Support Svc	Scada System Svc	1,100.00
NE Dept of HHS Laboratory	Water Tests	1,332.00
Petty Cash Fund	Replenish Petty Cash	33.37
Weber, Josh	LVFD Supplies	178.00
Wesco Distribution Inc	Electric Supplies	420.68
	<b>TOTAL CLAIMS</b>	<b>\$398,735.17</b>

**CITIZENS COMMENTS:**

Margaret Heber addressed the City Council expressing her concerns regarding the sale of the house located north of the Library. Mayor Fagot informed Ms. Heber that the Library Board would be the correct source to address with this issue.

**REZONING ORDINANCE:**

An Ordinance entitled "AN ORDINANCE TO REZONE A TRACT OF LAND IN THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 21-9-21 FROM A-1 AGRICULTURAL TO M-2 HEAVY INDUSTRIAL 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 the Council. Moved by Klamm, seconded by Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days.

Said Ordinance was then read by Title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2141 on final reading. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

**SPECIAL USE:**

Mayor Fagot opened the Public Hearing. Mr. Dave Smith, attorney representing Paulsen Inc. addressed the City Council requesting approval of a Special Use Permit on property located at 43434 Heartland Road, for use as a Concrete Plant. Following Mr. Smith’s presentation, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to grant the Special Use Permit to Paulsen, Inc. on property located at 43434 Heartland Road, for use as a Concrete Plant. Roll call. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

**ORDINANCE:**

An Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-41 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SPEED LIMITS ON CATTLEMEN’S DRIVE; TO REPEAL ORIGINAL SECTION 16-41, 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 the Council. Moved by Klamm, seconded by Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was then read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2142 on final reading. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION:**

Mr. Jim Fox, representing Ameritas Investment Corporation, addressed the City Council requesting consideration of a resolution to call for redemption Series 1995 G.O. Bonds in the principal amount of \$1,830,000 and Series 1996 G.O. Bonds in the principal amount of \$1,915,000. Following Mr. Fox’s presentation, and the reading of said Resolution, moved by Klamm, seconded by Salem, to approve Resolution Number 01-10. Roll call. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-10

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds, in accordance with their option provisions are hereby called for payment on July 3, 2001, after which date interest on the bonds will cease:

General Obligation Bonds, Series 1995, of the City of Lexington, Nebraska, date of original issue – December 15, 1995, in the principal amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
\$85,000	December 15, 2001	4.60%
90,000	December 15, 2002	4.70
90,000	December 15, 2003	4.80
95,000	December 15, 2004	4.90
100,000	December 15, 2005	5.00
105,000	December 15, 2006	5.15
110,000	December 15, 2007	5.25

120,000	December 15, 2008	5.35
125,000	December 15, 2009	5.50
130,000	December 15, 2010	5.60
140,000	December 15, 2011	5.65
145,000	December 15, 2012	5.70
155,000	December 15, 2013	5.75
165,000	December 15, 2014	5.80
175,000	December 15, 2015	5.80

Said bonds are hereinafter referred to as the “1995 Refunded Bonds.”

Said bonds are subject to redemption at any time on or after December 15,2000, at par and accrued interest, and said interest is payable semiannually. Said bonds were authorized by ordinance and were issued for the purpose of paying a portion of the costs of purchasing an existing building or buildings, including related site, acquiring a site or sites including leasehold interests, constructing on such site or sites a public building or buildings and remodeling existing buildings for the purpose of providing indoor athletic facilities, public auditorium facilities, including related parking facilities (either directly by the City or through the Lexington Community Facilities Agency), and providing furnishings and equipment for such public buildings.

Section 2. The following bonds, in accordance with their option provisions are hereby called for payment on July 3, 2001, after which date interest on the bonds will cease:

General Obligation Bonds, Series 1996, of the City of Lexington, Nebraska, date of original issue – June 1, 1996, in the principal amount of One Million Nine Hundred Fifteen Thousand Dollars (\$1,915,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
\$85,000	June 1, 2002	4.80%
90,000	June 1, 2003	4.90
95,000	June 1, 2004	5.00
100,000	June 1, 2005	5.10
105,000	June 1, 2006	5.20
110,000	June 1, 2007	5.30
115,000	June 1, 2008	5.40
125,000	June 1, 2009	5.55
130,000	June 1, 2010	5.70
135,000	June 1, 2011	5.80
145,000	June 1, 2012	5.85
155,000	June 1, 2013	5.90
165,000	June 1, 2014	5.95
175,000	June 1, 2015	6.00
185,000	June 1, 2016	6.00

Said bonds are hereinafter referred to as the “1996 Refunded Bonds.”

Said bonds are subject to redemption at any time on or after June 1, 2001, at par and accrued interest, and said interest is payable semiannually. Said bonds were authorized by ordinance and were issued for the purpose of constructing a new swimming pool facility and related aquatic park improvements, and for the

purpose of paying a portion of the costs of purchasing an existing building or buildings, including related site, acquiring a site or sites including leasehold interests, constructing on such site or sites a public building or buildings and remodeling existing buildings for the purpose of providing indoor athletic facilities, public auditorium facilities, including related parking facilities (either directly by the City or through the Lexington Community Facilities Agency), and providing furnishings and equipment for such public buildings.

Section 3. The 1995 Refunded Bonds and the 1996 Refunded Bonds are to be paid off at the office of the Treasurer of the City of Lexington, Nebraska, as paying agent and registrar.

Section 4. A true copy of this resolution shall be filed immediately with the Treasurer of the City of Lexington, Nebraska, as Paying Agent and Registrar for the 1995 Refunded Bonds and the 1996 Refunded Bonds, and said paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinances authorizing the 1995 Refunded Bonds and the 1996 Refunded Bonds.

John Fagot, Mayor

Joe Peplitsch  
City Clerk

**ORDINANCE:**

An Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF THREE MILLION EIGHT HUNDRED THIRTY THOUSAND DOLLARS (\$3,830,000) FOR THE PURPOSE OF PAYING AND REDEEMING \$1,830,000 OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, DATE OF ORIGINAL ISSUE – DECEMBER 15, 1995; PAYING AND REDEEMING \$1,915,000 OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, DATE OF ORIGINAL ISSUE JUNE 1, 1996; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Salem, that the statutory rule requiring ordinances to be fully and distinctly read on three separate days be suspended. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was ready by Title. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2143 on final reading. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**CDBG LOAN REUSE  
APPLICATION:**

Mayor Fagot opened the Public Hearing. DeEtta Hartman, representing Dawson Area Development, addressed the City Council, requesting approval of an application by Plum Creek Cleaners for the CDBG Loan Reuse Program. Mr. Roland Williams, owner of Plum Creek Cleaners, then addressed the City Council explaining how the operation will work, as well as, requesting assistance from the City in the amount of \$62,000. Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to authorize the use of \$62,000 of

CDBG Reuse Funds to Plum Creek Cleaners, and authorize the Mayor to execute necessary documents. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

**ORDINANCE:**

Pepplitsch addressed the City Council stating that with the formation of the City Council Subcommittees, it would no longer be necessary to continue the Recreation Advisory Committee. The following Ordinance would repeal sections 2-30 thru 2-34 of the City Code, eliminating the requirement for a Recreation Advisory Committee. Mayor Fagot confirmed the necessity to eliminate the Committee. Following discussion, an ordinance entitled "AN ORDINANCE TO REPEAL SECTIONS 2-30, 2-31, 2-32, 2-33, AND 2-34 OF THE LEXINGTON CITY CODE AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO ELIMINATE THE CITY RECREATION ADVISORY BOARD; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Tomasek, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2144 on final reading. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

**POLICE PENSION COMMITTEE:**

Mayor Fagot stated that the Police Pension Committee has two council members that included Rick Klamm, and John Wightman. Since John Wightman is no longer on the City Council, the Mayor would like to recommend that Council Person Steve Tomasek fill that position. Following discussion, moved by Salem, seconded by Klamm, to appoint Steve Tomasek to the Police Pension Committee. Roll call. Voting "aye" were Tomasek, Klamm, Salem, Fagot. Motion carried.

**FINANCIAL REPORT:**

Pepplitsch addressed the City Council, stating that the format of the Financial Report has been changed slightly. Mr. Pepplitsch then explained the outline of the new format. Following discussion, moved by Klamm, seconded by Salem, to accept the Financial Report for April, 2001. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

**EXECUTIVE SESSION:**

Moved by Klamm, seconded by Tomasek, to move from Regular Session to Executive Session at 8:18 p.m. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to reconvene Regular Session from Executive Session at 8:53 p.m. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
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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Lexington Deputy City Clerk