

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 14, 2004 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, and Deputy City Clerk Shirley Lewis. Department Heads present were Charles Clark, and 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 – 11-23-04: Minutes of the Regular Meeting scheduled for Tuesday, November 23, 2004 was presented for Council’s consideration and approval. Moved by Fagot, seconded by Miller, to approve the Minutes of the Regular Meeting held November 23, 2004 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

MINUTES – REORGANIZATION MEETING – 12-07-04: Minutes of the Reorganization Meeting scheduled for Tuesday, December 7, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Reorganization Meeting held December 7, 2004 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

MINUTES – SPECIAL MEETING – 12-09-04: Minutes of the Special Meeting scheduled for Thursday, December 9, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Miller, to approve the Minutes of the Special Meeting held December 9, 2004 as presented. Roll call. Voting “aye” were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,337,786.89 were 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 \$417,293.52 from the General Fund, \$877,316.27 from LEXUS, \$10,000.00 from Sanitation, \$784.49 from Landfill, \$18,325.56 from Health Fund, and \$14,067.05 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Fagot. Cook. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 14, 2004

Action Target	Police Supplies	98.33
Advance Publishing, Inc.	Books	199.00
Alltel	Cellphone Service	220.21
Awards Plus	Plaques	435.42
Barco Municipal Products	Street Supplies	70.51
Barmore Drug Store Inc.	Office Supplies	14.27
Beringer Ciaccio Dennell Mabrey	Architect/Library	2,484.94
Berntson Oil	Fuel	8,344.22
Bio-Key International, Inc.	Fire Department Supplies	110.00
Blue Cross Blue Shield	Ambulance Fee Refund	221.60
Bob's Auto Repair & Service	Vehicle Repair	87.99
Books on Tape, Inc.	Books	170.00
Card Center	Supplies	128.18
Cash-Wa Distributing	Food & Supplies	1,500.58
Central Community College	Fire Department Classes	180.00
Central Garage	Maint./Repairs/Fuel	10,355.43
Coca Cola/Dr. Pepper of Kearney	Beverages	47.50
Corporate Benefit Svcs of America	Claims	17,260.48
Corporate Benefit Svcs of America	Premiums	15,264.37
Culligan Water Conditioning Co.	Water Service	291.71
Dan's Sanitation	Sanitation Fees	10,817.44
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Court	Court Fees	79.00
Dawson County Handibus	Transportation	94.00
Dawson County Public Power	Electricity	6,900.59
Dawson County Register of Deeds	Filing Fees	5.50
Dawson County Treasurer	Personal Prop Tax/Library	11.36
Dawson Pest Control	Building Maintenance	27.00
Demco	Office Supplies	54.34
Depository Trust Company	2001 GO Bond Payment	177,870.00
Depository Trust Company	2003 Combined Utl. Bond Payment	247,105.00
Dunrite, Inc.	Maintenance Supplies	176.89
Eakes Office Products	Office Supplies	24.46
Electric Fixture	Electric Supplies	1,453.31
EMS Billing Services, Inc.	Ambulance Billing	1,694.52
Fagot Refrigeration & Electric	Service/Repair	1,982.29
Farmer Brothers Coffee	Food	445.36
Fed Ex	Delivery Service	9.66
Fox Bros. Hay Co. Inc	Tree Grinding	2,031.25
Gempler's, Inc.	Supplies	93.40
Glaze, Gary	Eye Glasses	92.00
Gnirk Lawn Care	Lawn Service	450.00
Grand Island Independent, The	Subscription	156.00
Great Plains One-Call Service	Locates	45.66
Harker's	Food	882.85
Hipp Wholesale Foods, Inc.	Food & Supplies	898.42
Hometown Leasing	Copier Lease	697.04
Husker Ag Sales	Repair	580.15
Ingram Library Services	Books	190.77
Jim Phillips Const.	Street Repairs	2,418.00
Jones Plumbing & Heating	Repair	851.74
K. R. V. N. Radio	Advertising	142.50
Kayton Electric, Inc.	Replace Battery/IBP Substation	16,848.00
Kemps-Gillette	Beverages	258.41

Knapp Electric	Repair Supplies	379.70
Kriz-Davis Company	Electric Supplies	2,011.29
Lexington Animal Clinic	Animal Care	593.00
Lex Area Solid Waste Agency	Landfill	875.88
Lexington Health Fund	Self-funding	26,858.50
Lexington Newspapers, Inc.	Publications	241.66
Lexington Postmaster	Box Rent	346.00
Lexington Postmaster	Postage	150.00
Lexington, City of	Service Fees	31,036.13
Lexington City Payroll Account	Wages	184,374.96
Social Security	Employer Port/FICA Med	13,892.00
First National Bank	Employer Portion/Pension	6,053.86
First National Bank	Police Pension	2,538.36
ICMA	City Manager Pension	550.62
Library One Direct	Books	726.57
Linda's Stitches & Creations	Shirts	143.80
Linden's Plumbing	Repair	71.68
Linweld	Oxygen Supplies	85.35
Little Caesars	Food	19.00
Lundeen-Isaacson Inc.	Insurance/Fire Dept.	8,360.00
Marlin Leasing Corp.	Mail Machine Payment	570.16
Matt Friend Truck Equipment	Maintenance/Repair	274.65
Mead/Big Valley Lumber	Maintenance Supplies	760.81
Merchant JT&S	Schooling	430.00
Meridian Library System	Conference/Seminars	12.00
Michael Todd & Company, Inc.	Maintenance Supplies	139.98
Micro-Marketing, LLC	Book	36.85
Mid-Nebraska Printing	Office Supplies	448.24
Milco Environmental Services, Inc.	Water Testing	784.49
Miller & Associates	Retainer Service	800.00
Municipal Supply	Water Supplies	161.78
National Waterworks	Meter Supplies	2,415.04
Nebraska Amateur Softball Assoc	Sanction Fees/Bids	140.00
Nebraska Dept. of Motor Vehicles	License Renewal	3.75
Nebraska Municipal Clerks Assoc	Membership Renewal	30.00
Nebraska Public Power District	Power Purchase	433,732.47
Nebraska Statewide Arboretum	Membership Renewal	100.00
Nebraska Supreme Court	Nebraska Statutes	70.15
Nebraska Tech & Telecomm, Inc.	Phone Service	1,348.43
Nebraska Waste Handlers	Sludge Removal	4,380.00
Nelson, Margie L	Cleaning Service	500.00
Omaha World Herald	Subscription	143.00
Overton Sand & Gravel	Gravel	396.02
Paulsen Inc.	Concrete	1,137.88
Platinum Plus For Business	Supplies	35.31
Platte Valley Communications	Maintenance/Repair	280.90
Plum Creek Auto Spa	Car Wash	10.00
Price's Tree Service	Tree Removal	250.00
Quill Corporation	Office Supplies	253.40
Qwest	Library Phone Expense	61.54
Reliable	Office Supplies	55.28
Resource Management Co., Inc.	Tire Disposal	52.45
Rockbottom Books	Books	108.82
S & W Auto Parts	Misc. Supplies	835.84
Save-A-Lot Discount Foods	Food	13.80
Seward, Randell	Cleaning Service	400.00

Signal Equipment Co.-Seco South	Traffic Light Supplies	45.41
Skill Path Seminars	Conference/Seminars	995.00
South Central Nebraska	Membership Renewal	30.00
Sports Illustrated	Subscription	83.44
Steve's Lock & Key	Keys	20.00
Sunland Books, Inc.	Books	741.22
SunMart #763 / Sixth Street	Food	37.34
T. L. Sund Constructors, Inc.	Street Maintenance	1,064.00
T. O. Haas Tire Company, Inc.	Tire/ Repair	454.84
Team Detail & Quicklube	Car Wash	60.00
Telegraph	Subscription	129.95
TierOne-Lib. Petty Cash	Petty Cash	58.58
Tri-County Hospital	Wellness	2,431.39
U-Save Business Equipment	Office Supplies	460.37
Underwood, James	Carpet Cleaning	285.00
Upstart	Book	15.95
Veterans Club	Awards Banquet	718.65
W P C I	Drug Test	125.00
Wal-Mart	Supplies	823.11
Ward Laboratories	Water Test	96.00
Wesco Distribution, Inc.	Electric Supplies	1,036.83
Willard Weinhold Law Office	Fees	1,200.00
World Book, Inc.	Books	809.00
Adams, Linda	Electric Rebate	1,025.00
Addicus Books, Inc.	Books	192.00
Business & Professional Credit	Collection Fees	305.61
Cadwell Construction Co., Inc.	Line Relocation	318.77
Caraway, Robert	Electric Rebate	1,025.00
Cash-Wa Distributing	Food & Supplies	791.38
Central Garage	Maint./Repairs	810.32
Collegiate Pacific	Recreation Supplies	339.72
Corporate Benefit Svcs of America	Claims	940.08
Electric Fixture	Electric Supplies	162.13
Fastenal	WWTP Supplies	4.83
Gall's Inc.	Uniform/Equip. Supplies	99.48
HWS Consulting Group	Pro. Serv./Long Range	
	Trans Plan Update	8,187.46
Haines, Derek	Electric Rebate	1,025.00
Kemps-Gillette	Beverages	138.95
Kinder Morgan	Natural Gas Service	5,691.80
League of Nebraska Municipalities	Winter Conference	50.00
Lexington Newspapers	Publication Expense	664.03
Linweld	Medical Supplies	58.03
Lundeen -Isaacson Inc.	Insurance/Fire Dept.	2,340.00
Midwest Laboratories, Inc.	Testing Supplies	6.35
Monter, Doug	Electric Rebate	125.00
Morales, Ana	Electric Rebate	125.00
Nebraska Department of Revenue	Sales Tax	26,999.48
Nebraska Machinery	Central Garage Supplies	462.92
Plum Creek Promotions	Coats	1,409.74
Robles, Jon	Electric Rebate	900.00
S & W Auto Parts	Central Garage Supplies	12.33
Sounthana, Soubanh	Electric Rebate	1,025.00
Sparling Instruments, Inc.	Water Meter Repair	902.89
SunMart #763/Sixth Street	Food	15.81
Tierone-City Petty Cash	Petty Cash	26.49

U-Save Business Equipment	Office Supplies	74.00
Wal-Mart	Supplies	98.00
	TOTAL:	1,337,786.89

PUBLIC HEARING:

Mayor Cook opened the Public Hearing. Albert and Susan Lamberts requested Council’s approval of a Special Use Request to operate an Antique Retail Sales Shop, on their property located at 1007 N. Washington Street. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller, to approve the Special Use Request by Albert and Susan Lamberts on property located at 1007 N. Washington Street, Lexington, Nebraska, to accommodate an Antique Sales Shop, with the following conditions: Signage on property will not exceed 32 square feet and will not be illuminated, Outside Storage shall remain in a fenced area, and Owners must return to the Planning Commission upon any desired expansion of the Shop. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

ORDINANCE:

Eleazar Hernandez requested Council approve an Ordinance to rezone their property located at 705 E. 6th Street, from R-1 to R-2. Following discussion, an Ordinance entitled “AN ORDINANCE TO REZONE THE SOUTH ONE-HALF OF LOT 12, TRACT “D” OF THE SUBDIVISION OF SECTION 5-9-21, FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2 TWO 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 Tomasek, to approve Ordinance No. 2192 on Final Reading. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

FIRE TRUCK BIDS:

Dale Holbein, representing the Lexington Volunteer Fire Department, requested Council’s approval to award the bid on a new Fire Pumper Truck, as well as, the bid for loose equipment. Following discussion, moved by Fagot, seconded by Bennett, to award the Bid for the 2005 Pumper Fire Truck, to Danko Emergency Equipment (Smeal Fire Apparatus) of Snyder, NE in the amount of \$221,943.00, as well as, the Bid for the Loose Equipment to Danko Emergency Equipment (Smeal Fire Apparatus) of Snyder, NE in the amount of \$26,143.00, for a total amount of \$248,086. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Fagot, Cook. Motion carried.

RESOLUTION:

Pepplitsch requested Council’s approval of a Resolution amending the Membership on the Community Development Advisory Board, to include three (3) at large members. Following discussion, moved by Tomasek, seconded by Miller, to approve Resolution No. 04-24 amending the membership on the Community Development Advisory Board. Roll call. Voting “aye” were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

RESOLUTION NO. 04-24

A RESOLUTION TO AMEND RESOLUTION NO. 04-09, BY ADDING THREE (3) ADDITIONAL MEMBERS TO THE COMMUNITY DEVELOPMENT ADVISORY BOARD.

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

That Paragraph 2 of Resolution No. 04-09, originally adopted July 13, 2004, is hereby amended to read as follows:

2. The CDAB shall consist of nine (9) members, which individuals shall be the Lexington City Manager, the Lexington Chamber of Commerce Director, the Greater Lexington Corporation President, the Council for Economic Development (CED) President, CED Vice President, CED Treasurer, and three (3) at large members to be appointed annually by the Mayor, with the approval of the City Council;

Passed and approved this 14th day of December, 2004

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

CHANGE ORDER:

Pepplitsch requested Council's approval of Change Order No. 1 for the Lexington Library Project. Following discussion, moved by Tomasek, seconded by Miller, to approve Change Order No. 1 for the Lexington Public Library Project, to Lacy Construction Co., in the amount of \$4,338.00. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

PAY REQUEST:

Pepplitsch requested Council's approval of Pay Request No. 3 for the Lexington Public Library Project. Following discussion, moved by Miller, seconded by Bennett, to approve Pay Request No. 3 for the Lexington Public Library Project, to Lacy Construction Co., in the amount of \$85,543.43. Roll call. Voting "aye" were Tomasek, Fagot, Bennett, Miller, Cook. Motion carried.

PAY REQUEST:

Dana Daniels, representing Miller and Associates, requested Council's approval of Pay Request No. 1 (Final) for the Cattleman Drive Pavement Widening Project. Following discussion, moved by Tomasek, seconded by Miller, to approve Pay Request No. 1 (Final) for the Cattleman Drive Pavement Widening Project, to Paulsen, Inc., in the amount of \$22,930.00. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

PAY REQUEST:

Pepplitsch requested Council's approval of Pay Request No. 30 for the Lexington Viaduct Project. Following discussion, moved by Miller, seconded by Fagot, to approve Pay Request No. 30 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$53,236.11. Roll

call. Voting “aye” were Bennett, Tomasek, Fagot, Miller, Cook. Motion carried.

ORDINANCE:

Pepplitsch requested Council’s approval of an Ordinance to amend Snow Emergency Routes in the City of Lexington. Following discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-83 OF THE LEXINGTON CITY CODE; TO AMEND THE SNOW EMERGENCY ROUTES; TO REPEAL ORIGINAL SECTION 16-83, 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 by title. Moved by Fagot, seconded by Tomasek, to approve Ordinance No. 2193 on Final Reading. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

ORDINANCE:

Pepplitsch requested Council’s approval of an Ordinance to amend provisions for Notice of Nuisance Violations. Following discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTIONS 18-3 AND 18-4 OF THE LEXINGTON CITY CODE; TO AMEND PROVISIONS FOR NOTICE OF NUISANCE VIOLATIONS; TO REPEAL ORIGINAL SECTIONS 18-3 AND 18-4, 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 by title. Moved by Tomasek, seconded by Fagot, to approve Ordinance No. 2194 on Final Reading. Roll call. Voting “aye” were Bennett, Miller, Fagot, Tomasek, Cook. Motion carried.

DEMOLITON PROPOSAL:

Pepplitsch requested Council’s approval of awarding a proposal for the demolition and removal of dilapidated buildings located at 945 W. 7th Street, Lexington, NE. Following discussion, moved by Fagot, seconded by Miller, to approve awarding a proposal for the demolition and removal of dilapidated buildings located at 945 W. 7th Street, Lexington, NE, to G & V Inc., in the amount of \$14,000.00. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

COUNCIL WORKSHOP:

Pepplitsch requested Council schedule a Workshop to update them on City development issues. Following discussion, administration was directed to contact Council to see what date would work best for them, as well as, what issues they would like to see discussed, and report back at the next regular City Council Meeting with a specific date.

**CERTIFICATE OF VOTES
CAST:**

A Certificate of Votes Cast from the General Election that was held on November 2, 2004 was presented to Council for their acceptance. Moved by Fagot, seconded by Miller, to accept the Certificate of Votes Cast from the General Election held on November 2, 2004. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

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