

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 25, 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 John Fagot, Ted Cook, Rick Klamm, John Salem, 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 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 – 05-12-04: Minutes of the Regular Meeting scheduled for Tuesday, May 12, 2004 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held May 12, 2004 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$258,260.59 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$115,346.05 from the General Fund, \$98,993.83 from LEXUS, \$21,155.95 from Sanitation, \$15,748.50 from Health Fund, \$7,016.26 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 25, 2004

AFLAC	Premium	942.36
All Points Cooperative	Propane	20.00
Audio Editions	Books	483.43
Barmore Drug Store, Inc.	Supplies	2.39
Berntson Oil	Fuel	3,803.00
Brown, Harold	Tool Allotment	50.00
Card Center/Orscheln	Maint/Repairs	26.74
Cash-Wa Distributing	Food & Supplies	1,890.65
CDBG	Office Supplies	25.00
Charter Communications	Cable Service	119.95
Children's Theatre Of Florida	Library Grant	62.50
Coca Cola/Dr. Pepper of Kearney	Food	372.00

Corporate Benefit Services of Am.	Claims	3,867.04
Dawson County Handibus	Transportation	170.00
Epperly, Dick	Parts	15.00
Dutton-Lainson Company	Electric Pole	7,380.00
Electric Fixture	Electric Supplies	454.50
Fagot Refrigeration & Electric	WWTP Service & Repair	1,648.98
Fitzgerald, Matt	Transportation/EMS	1,218.00
Gale Group, The	Books	158.68
Gillette Dairy	Food	164.69
Harker's	Food	102.17
Hipp Wholesale Foods, Inc.	Food & Supplies	815.84
Husker Ag Sales	Maint/Supplies	37.74
Ingram Library Services	Books	48.53
Kinder Morgan	Gas Service	35.38
Kriz-Davis Company	Electric Supplies	309.30
League Of Nebraska Municipalities	Registration Fee/Dues	601.04
Lexington Newspapers, Inc.	Publication	6.51
Lexington Public Library	Petty Cash	4.05
Lexington True Value	Supplies	49.29
Lexington City Payroll Account	Wages	82,756.28
Social Security	Employer Port/FICA Med	6,219.73
First National Bank	Employer Portion/Pension	2,819.37
First National Bank	Police Pension	1,073.25
ICMA	City Manager Pension	224.00
Linda's Stitches and Creations	Employee Shirts	819.16
Mac's Short Stop	Food	31.58
Marlin Leasing Corporation	Contract Payment	570.16
McCookNet Internet Service	Service	5.00
Mead/Big Valley Lumber	Maintenance Supplies	191.75
Mid-Nebraska Printing	Office Supplies	3.00
Midwest Striping Inc.	Striping Streets	600.00
Nebraska Law Enforcement	Firearm Recertification	50.00
Neopost	Postage	1,500.00
Ollis Book Corporation	Books	323.75
Olsson Associates	US 283 Traffic Study	2,400.00
Overton Community Center	Meals on Wheels	100.00
Paulsen Inc.	Line Painting	698.20
Platte Valley Auto Mart	Service/Repair	1,006.69
Recorded Books	Books	111.60
S & W Auto Parts, Inc.	Supplies	47.76
Skiles, Kenneth	Police Expense	7.50
Subway of Lexington	Meeting Expense	34.53
SunMart	Food	46.74
Tom's Liquor	Minnows for Park	96.00
Tri-County Shrine	Circus Tickets	100.00
U-Save Business Equipment	Office Supplies	63.93
Univar USA, Inc.	Pool Chemicals	830.25
Upstart	Supplies	123.23
Wal-Mart	Supplies	568.61
Water Safety Products, Inc.	Pool Supplies	82.00
Wesco Distribution, Inc.	Supplies	3,962.57
Alltel	Cellphones	166.26
Barmore Drug	Office Supplies	4.99
Baja Books	Books	47.50
Berntson Oil	Fuel/Oil	72.20
Business & Professional Credit	Fees	212.70

Case Credit Advantage	Supplies	6.04
Cash-Wa Distributing	Food & Supplies	759.43
Central Garage Fund	Maint/Repairs/Fuel	3,641.09
Corporate Benefit Svcs of America	Claims	10,795.10
Dan's Sanitation	Sanitation Fees	21,155.95
Dawson County Public Power	Electricity	3,168.00
Dawson County Court	Fees	41.50
Eilers Machine & Welding	Weld & Labor	46.00
Electric Fixture	Supplies	1,872.28
EMS Billing Services, Inc.	Supplies	1,600.75
Farmer Brothers Coffee	Food	104.58
Gall's Inc.	Supplies	55.99
Gillette Dairy	Food	113.89
G'Neil	Safety Supplies	359.64
Gnirk Lawn Care	Lawn Care	188.00
Hach Company	Testing Supplies	230.25
Keim, Bob	Freon Removal	165.00
Lexington, City of	Franchise Fees	27,920.74
Lexington Health Fund	Self-funding	24,982.00
Lexington Volunteer Fire Dept	Schooling	1,500.00
Lexington Public Library	Petty Cash	40.90
Lexington Newspapers, Inc.	Publication	10.34
Lexington Recreation Program	Support Pers/Petty Cash	3,980.00
Lexington True Value	Supplies	370.22
Lexus	Utilities	15,317.24
Mac's Short Stop	Food	7.92
Mid-Nebraska Printing	Office Supplies	234.30
Mr. Automotive	Supplies	29.26
Nebraska Dept of HHS Laboratory	Chemical Supplies/Service	1,048.00
Olsson Associates	Professional Fees	2,644.08
Orscheln/Card Center	Park Trees	124.93
Paulsen Inc.	Concrete	303.79
Petty Cash Fund	Petty Cash	32.42
Platinum Plus For Business	Supplies/Fuel	1,219.12
Platte Valley Auto Mart	Supplies	54.89
Precision Sprinklers	Repair	45.03
Reynolds, Shirley	Reimb Cemetery Space	200.00
Save-a-Lot	Food	15.90
SunMart	Food	55.06
S & W Auto Parts	Supplies	308.95
TASC	Flex Plan	144.00
T. O. Haas Tire Company, Inc.	Tires/Repair	261.34
U-Save Business Equipment	Postage	19.25
Walker Roofing Company, Inc.	Maintenance	24.00
Wal-Mart	Supplies	208.37
	TOTAL:	258,260.59

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mr. Clinton Witt requested Council's approval of an Ordinance rezoning his property located at 3033 Plum Creek Parkway, from A-1 to C-3. Following discussion, Mayor Fagot closed the Public Hearing. An Ordinance entitled "AN ORDINANCE TO REZONE A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE 6TH P.M. IN DAWSON COUNTY, NEBRASKA FROM A-1

AGRICULTURAL DISTRICT TO C-3 HIGHWAY COMMERCIAL 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 Salem, seconded by Klamm, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance No. 2181 on Final Reading. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mr. Clinton Witt requested Council’s approval of a Special Use Request on his property located at 3033 Plum Creek Parkway, to accommodate a Camping Trailer Park. Following discussion, Mayor Fagot closed the Public Hearing. Council directed Legal Counsel to draft a Special Use Permit Agreement that City Council deemed applicable to Mr. Witt’s Special Use Request, and present it at the next regular City Council Meeting.

HOUSING AUTHORITY:

Lexington Housing Authority’s Executive Director, Diane Adams, presented a report to Council, on the purpose of the Lexington Housing Authority, as well as, the various programs offered. Upon completion of Ms. Adams presentation, Council expressed their appreciation for her work on the Lexington Housing Authority.

COMMUNITY DEVELOPMENT:

Bob Heinz, Chairman of CED, presented a Power Point presentation to Council, on concepts for cooperative community development efforts. Items discussed included a mission, a task force, and roles within each entity in the community plays. Following Mr. Heinz’s presentation, Council reported that they will take the CED’s presentation under advisement.

RESOLUTION:

Pepplitsch requested Council’s approval of a Resolution to amend the Interlocal Agreement with the Dawson County Mutual Finance Organization. Following discussion, Resolution was read before Council. Moved by Klamm, seconded by Salem, to approve Resolution No. 04-07. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-07

RESOLUTION TO AMEND INTERLOCAL AGREEMENT
DAWSON COUNTY MUTUAL FINANCE ORGANIZATION

WHEREAS, the undersigned is a member of the Dawson County Mutual Finance Organization, which by the terms of the original Agreement will terminate June 30, 2004, unless such Agreement is amended; and

WHEREAS, the undersigned desires to perpetuate said Dawson County Mutual Finance Organization and remain a member of the same.

BET IT THEREFORE RESOLVED, that Paragraph 5 of the INTERLOCAL AGREEMENT CREATING THE DAWSON COUNTY MUTUAL FINANCE ORGANIZATION, be amended to read as follows:

5. This Agreement shall become effective April 12, 2000, and upon the signing of the Agreement by the parties and shall remain in effect ~~until June 30, 2004~~, unless sooner terminated by mutual agreement of the parties. Any party to this Agreement may withdraw from the Agreement by serving notice of withdrawal by U.S. Mail to the Secretary of the Mutual Finance Organization Board, prior to April 1 of each year.

BE IT FURTHER RESOLVED that the undersigned entity desires to continue membership and participation in said Mutual Finance Organization.

Passed and approve May 25, 2004.

Name of Entity: City of Lexington

By: Mayor John Fagot

CHANGE ORDER:

Stan Johnson, representing Miller and Association, requested Council's approval of Change Order No. 6 on the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Change Order No. 6 on the Adams Street Viaduct Project, from Paulsen, Inc. in the amount of \$6,688.58. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CHANGE ORDER:

Stan Johnson requested Council's approval of Change Order No. 7 on the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Change Order No. 7 on the Adams Street Viaduct Project, from Paulsen, Inc. in the amount of \$127,847.40. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

PAY REQUEST:

Stan Johnson requested Council's approval of Pay Request No. 17 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 17 for the Adams Street Viaduct Project, from Paulsen Inc. in the amount of \$350,936.66. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request No. 1 on the Adams Street Electrical Relocation Project. Following discussion, moved by Tomasek, seconded by Klamm, to approve Pay Request No. 1 on the Adams Street Electrical Relocation Project, from Watt's Electric Company in the amount of \$322,895.50. Roll call. Voting "aye" were Cook, Salem, Klamm, Tomasek, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch requested Council's acceptance of the Financial Report for April, 2004. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for April, 2004. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Tomasek, to move into Executive Session at 8:53 p.m. for the purpose of discussing Personnel and sale of property. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

Moved by Cook, seconded by Tomasek, to reconvene Regular Session from Executive Session at 9:12 p.m.

ADJOURNMENT:

There being no further business to come before 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.

Deputy City Clerk