

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Monday, January 12, 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, John Salem, Steve Tomasek. Councilman Rick Klamm was excused. City Officials present were City Manager Joe Pepplitsch, 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 – 12-23-03: Minutes of the Regular Meeting that was scheduled for Tuesday, December 23, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held December 23, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 12-30-03: Minutes of the Special Meeting that was scheduled for Tuesday, December 30, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Special Meeting held December 30, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 01-05-04: Minutes of the Special Meeting that was scheduled for Monday, January 5, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Salem, to approve the Minutes of the Special Meeting held January 5, 2004 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$916,046.21 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Cook, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$228,843.44 from the General Fund, \$9,265.87 from Housing Reuse, \$635,815.91 from LEXUS, \$10,000.00 from Sanitation, \$2,543.00 from Landfill, \$556.97 from Library Memorial, \$17,042.02 from Health Fund, \$11,968.00 from Meals on Wheels on the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Cook, Fagot. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 January 12, 2004

Aflac	Supplemental Insurance	1,033.56
All Points	Propane	43.75
Alltell	Phone Service	149.06
Arnold Pool Company	Sewer Supplies	198.15
Barco Municipal Products	Sewer Supplies	228.04
Barmore's	Office Supplies	1.99
Berntson Oil	Fuel/Diesel	2,675.99
Bischoff, John	Reimb/Employee Expense	39.99
Card Center-Orscheln	Central Garage Supplies	50.94
Cash-Wa Distributing	Food & Supplies	602.08
CBSA	Claims	9,534.35
CBSA	Premiums	13,608.84
Central Garage Fund	Labor/Parts/Oil	8,525.81
Chapman, Randy	Public Infrastructure Imps	7,783.00
Conney Safety Products	Sewer Supplies	78.60
Consumer Guide	Library Supplies	99.00
Culligan Water Conditioning Co.	Water Service	109.73
Dan's Sanitation	Sanitation Service	10,667.44
Dawson County Clerk	Dispatch Fee	6,360.16
Dawson County Public Power	Electrical Service	4,639.10
Dawson County Register of Deeds	Filing Fees	52.00
Dawson Pest Control	Pest Service	27.00
Department of Motor Vehicles	License Plate Renewal	7.50
Dunrite, Inc.	Sewer Supplies	108.79
Eakes Office Products	Office Supplies	28.44
Egan Supply Company	Misc Supplies	152.22
Eilers Machine & Welding	Electrical Supplies	243.96
Electronic Gaming Monthly	Library Supplies	19.00
Fagot Refrigeration & Electric	Electrical Svc & Repair	1,542.58
Farmer Brothers Coffee	Food & Supplies	91.66
Fastenal	Central Garage Supplies	64.20
Fed Ex	Mailing Service	20.88
Fyr-Tek	Fire Department Supplies	68.00
GBC	Library Supplies	85.07
Gempler's, Inc.	Sewer Supplies	301.10
Gillette Dairy	Dairy	195.00
Graphic Arts Shop	Office Supplies	140.00
Great Plains One-Call Service	Diggers Hotline	45.49
Hach Company	Chemicals	538.90
Harker's	Food & Supplies	906.53
Hipp Wholesale Foods, Inc.	Food & Supplies	917.10
Hometown Leasing	Copier Pmt (Util & Libr)	697.04
Ingram Library Services	Library Supplies	231.59
Island Supply Co.	Street Supplies	2,412.00
Jones Plumbing & Heating	Water Service & Repairs	350.20
K.R.V.N.	Publications	60.00
Koen Book Distributors, Inc.	Library Supplies	882.73
Kriz-Davis Company	Electrical Supplies	187.47
League of Nebraska Municipalities	Conference/Seminar	115.00
Lexington Animal Clinic	Animal Services	403.00
Lex Area Solid Waste Agency	Sanitation Service	732.24
Lexington Health Fund	Self-Funding	27,189.50

Lexington Newspapers, Inc.	Publications	19.15
Lexington Postmaster	Postage	150.00
Lexington Public Library	Refund Petty Cash	14.69
Lexington True Value	Library Supplies	83.47
Lexington, City of	Franchise Fees/Mo Chgs	28,355.35
Lexus	Utility Billing	16,129.62
Linweld	Oxygen	49.12
Lexington City Payroll Account	Wages	79,958.81
Social Security	Employer Port/FICA Med	6,009.35
First National Bank	Employer Portion/Pension	2,763.81
First National Bank	Police Pension	1,157.29
ICMA	City Manager Pension	224.00
Lexington City Payroll Account	Wages	86,421.69
Social Security	Employer Port/FICA Med	6,493.45
First National Bank	Employer Portion/Pension	2,919.02
First National Bank	Police Pension	1,311.73
ICMA	City Manager Pension	224.00
Matt Parrott & Sons, Co.	Office Supplies	378.14
Mead/Big Valley Lumber	Misc Supplies	631.46
Micro-Marketing, LLC	Library Supplies	15.55
Mid-Nebraska Food Bank	Food & Supplies	55.24
Mid-Nebraska Printing	Office Supplies	357.73
Mid-States Supply Company, Inc.	Office Supplies	163.69
Miller & Associates	Retainer Services	800.00
Morton, Allyn	OOR/Construction	2,807.87
Mr. Automotive	Central Garage Supplies	79.40
National Waterworks	Water Supplies	1,832.99
Nebraska National Bank	Lease Payment	361.56
Nebraska Public Power District	Power Purchase	460,483.85
Nebraska State Historical Society	Renew Membership	35.00
NT&T	Phone Service	955.53
Nebraska Waste Handlers	Sludge Removal	4,599.00
Nebraskaland Conf of Bldg Ofcls	Conference/Seminar	40.00
Nelson, Margie L.	Cleaning Services	500.00
Newman Traffic Signs	Street Signs	193.31
Olsson Associates	I-80 Corridor/Gen Contract Agreement	4,678.49
Omaha World Herald	Subscription Renewal	143.00
Outdoor Recreation Products	Trash Receptacle/Benches	22,592.00
Overton Sand & Gravel	Gravel	210.00
Pace Analytical	Landfill/Analysis	4,368.00
Patty's Hallmark	Office Supplies	587.44
People En Espanol	Library Supplies	14.90
Pinnacle Agency, The	Insurance Expense	3,269.00
Platinum Plus for Business	Conference/Seminar	902.49
Platte Valley Auto Mart	Parts & Service	260.08
Plum Creek Auto Spa	Car Wash	4.50
Plum Creek Motors	Vehicle Repair	150.99
Plum Creek Promotions	Employee Shirts	1,093.20
Price's Tree Service	Tree Service	90.00
Prime Shine Car Wash	Car Wash	36.00
QA Balance Services	Sewer Services	85.00
Qwest	Payphone Service	61.75
S&W Auto Parts, Inc.	Parts & Supplies	556.82
Sentimental Productions	Library Supplies	79.85
Seward, Randall	Cleaning Services	400.00

Sheet Music	Library Supplies	19.94
Sign Pro	Sign Service	274.50
Skarshaug Testing	Electrical Testing	50.16
Stobbe Welding	Central Garage Service	
	& Supplies	778.91
Subway of Lexington	Meeting Expense	59.66
Sunmart	Food & Supplies	13.27
T.O. Haas Tire Co. Inc.	Tire Repair & Service	238.29
TASC	125 Plan/New Enrollers	212.00
Telegraph	Subscription Renewal	125.25
Top Health	Subscription Renewal	106.30
Tri-County Hospital	Fire Department Supplies	115.00
Wal-Mart	Misc Supplies	384.08
Wendy's	Employee Meals	74.64
Wesco Distribution, Inc.	Sewer Supplies	6,478.16
Willard Weinhold Law Office	Lawyer Services	1,200.00
Wolf, Tracy	Reimb for Police Exps	10.00
Zep Manufacturing, Co.	Misc Supplies	300.23
Ward, Craig	Refund Variance Fee	75.00
Brummet, Nancy	Electrical Rebate	125.00
Card Center-Orscheln	Coveralls	276.72
CBSA	Claims	6,262.11
Copper, Alfred	Reimb for Boot Expense	124.00
Encyclopaedia Britannica	Library Supplies	613.02
Fagot Refrigeration & Electric	Electrical Service/Repair	1,749.21
Fagot, Clayton	Electrical Rebate	1,025.00
Fisher Scientific	Sewer Supplies	97.79
Housing Authority-City of Lex	Testing Service	59.25
Jeffrey Contracting	OOR/Contracting	6,458.00
Kinder Morgan	Gas Service	5,156.37
Lexington Public Library	Refund Petty Cash	21.46
Lincoln Journal Star	Library Supplies	136.40
Mead/Big Valley Lumber	Misc Supplies	77.82
Nebraska Dept of Revenue	Sales/Use Tax	30,376.75
Petty Cash Fund	Petty Cash	54.95
Plum Creek Cleaners	Dry Cleaning Service	166.00
Showcases	Library Supplies	18.10
Sorensen, Nancy	Electrical Rebate	1,025.00
Tri-County Hospital	Wellness Program	231.00
Wal-Mart	Misc Supplies	72.72
	TOTAL:	916,046.21

ORDINANCE:

Mayor Fagot requested Council's consideration of an Ordinance to Re-Zone Area on South Washington Street, Lexington, Nebraska, from C-3 to R-1. An Ordinance entitled "AN ORDINANCE TO REZONE LOT 1, BOWENS FIRST ADDITION; LOTS 5-16, BLOCK 12, MAXWELLS ADDITION; LOTS 8-9, BLOCK B, FAIRACRES ADDITION; LOTS 8-17, AND THE WEST 100' OF LOT 18, BLOCK C, FAIRACRES ADDITION; LOTS 1, 2A, 2B, 2C, 3A, 3B, 4 & 5, TRACT L, OF THE SUBDIVISION OF SECTION 5-9-21; LOTS 1, 2, E ½ LOT 3, AND LOTS 10-12, BLOCK 2, STUCKEY AND LITTLES ADDITION; AND LOTS 1-2 AND LOTS 10-12, BLOCK 5, STUCKEY AND LITTLES ADDITION, ALL IN THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, FROM C-3 HIGHWAY COMMERCIAL DISTRICT TO R-1 SINGLE 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 Salem, seconded by Tomasek, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting “aye” were Cook, Tomasek, Salem, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2179 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Fagot. Motion carried.

APPOINTMENTS:

Mayor Fagot requested Council’s approval of the recommended appointments to the Board of Adjustment, as well as, the Planning Commission. Moved by Cook, seconded by Tomasek, to appoint Rick Walton to the Board of Adjustment. Roll call. Voting “aye” were Salem, Tomasek, Cook, Fagot. Motion carried.

Moved by Cook, seconded by Salem, to appoint Don Ziebell as the “Alternate” to the Board of Adjustment. Roll call. Voting “aye” were Tomasek, Salem, Cook, Fagot. Motion carried.

Moved by Cook, seconded by Tomasek, to appoint Cathy Fagot to the Lexington Planning Commission. Roll call. Voting “aye” were Salem, Tomasek, Cook, Fagot. Motion carried.

Moved by Cook, seconded by Tomasek, to reappoint Kevin Kisker to the Lexington Planning Commission. Roll call. Voting “aye” were Salem, Tomasek, Cook, Fagot. Motion carried.

Moved by Salem, seconded by Tomasek, to reappoint Mark Yung to the Lexington Planning Commission. Roll call. Voting “aye” were Tomasek, Salem, Fagot. Voting “nay” was Cook. Motion carried.

Mayor Fagot and the Council expressed their appreciation to Ken Graus with the Board of Adjustment, and Margaret Nielsen with the Planning Commission, who resigned from their positions. Their many years of service have been appreciated by the City of Lexington.

PAY REQUEST:

Pepplitsch requested Council’s approval of Pay Request No. 5 for the 15 MVA Substation Addition. Following discussion, moved by Tomasek, seconded by Salem, to approve Pay Request No. 5 for the 15 MVA Substation Addition, to Kayton Electric Inc., in the amount of \$17,775.00. Roll call. Voting “aye” were Cook, Salem, Tomasek, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested Council’s approval of Pay Request No. 10 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 10 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$353,717.87. Roll call. Voting “aye” were Cook, Tomasek, Salem, Fagot. Motion carried.

CHANGE ORDER:

Pepplitsch requested Council’s approval of Change Order No. 4 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Change Order No. 4 for the Adams

Street Viaduct Project, to Paulsen, Inc., in the amount of \$1,144.41. Roll call. Voting "aye" were Cook, Tomasek, Salem, Fagot. Motion carried.

CHANGE ORDER:

Reed Miller, representing Miller and Associates, requested Council's approval of Change Order No. 1 for the Municipal Wastewater Pretreatment Facility Project. Following discussion, moved by Cook, seconded by Salem, to approve Change Order No. 1 for the Municipal Wastewater Pretreatment Facility Project, in the amount of \$-81,266.00, contingent upon the signing of the primary contract by Wanzek Construction. Roll call. Voting "aye" were Tomasek, Salem, Cook, 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.

Deputy City Clerk