

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 8, 2004 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, 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. 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 Fagot.

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

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,220,009.96 was 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 \$543,751.33 from the General Fund, \$634,665.99 from LEXUS, \$10,000.00 from Sanitation, \$2,320.63 from Landfill, \$105.00 from Library Memorial, \$20,301.29 from Health Fund, \$8,865.72 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
June 8, 2004

Alltel	Cellphone Service	52.47
Berntson Oil	Fuel	4,470.56
Card Center/Orscheln	Supplies	122.68
Case Credit Advantage	Supplies	353.64
Cash-Wa Distributing	Food & Supplies	6,167.46
Central Garage Fund	Fuel	7,549.54
Certified Laboratories	Supplies	153.40
Chief Supply Corporation	Medical Supplies	232.93
Children’s Theatre of Florida	Children’s Performance	212.50
Coca Cola/Dr. Pepper of Kearney	Beverages	2,368.00
Common Sense Safety	Supplies	150.00
Corporate Benefit Svcs of America	Claims	4,263.80

Corporate Benefit Svcs of America	Premiums	13,055.30
Culligan Water Conditioning Co.	Water Service	184.23
Dan's Sanitation	Sanitation Fees	10,000.00
Dawson County Clerk	Dispatch Fee	6,360.16
Dawson County Red Cross	Training Supplies	1,025.65
Dawson County Weed Control	Chemical Application	2,320.63
Dawson Pest Control	Bldg. Maintenance	27.00
DeBruce Grain	Scrap Tire Collection	60.00
Demco	Office Supplies	34.54
Depository Trust Co.	2001 GO Bond Payment	179,760.00
Deere Credit, Inc.	Mower Payment	2,376.26
Dutton-Lainson Co.	Supplies	7,325.42
Eakes Office Products	Office Supplies	177.90
Eilers Machine & Welding	Repair	165.71
Electric Fixture	Supplies	2,487.73
Fox Bros. Hay Co., Inc.	Tree Grinding	2,843.75
G & V Inc.	Appliance Disposal	210.00
Gall's Inc.	Supplies	36.97
Gary's Detail Shop	Car Wash	60.00
General Binding Corporation	Copier Expense	85.07
Gillette Dairy	Food	142.67
Gnirk Lawn Care	Lawn Care	250.00
Halmes, Ellen	Tuition Fees	468.00
Harker's	Food	832.27
Hipp Wholesale Foods, Inc.	Food / Supplies	463.40
Holbein, Dale	Mileage/New Rescue Unit	304.13
Holiday Inn	Lodging/Fire School	3,610.69
Hometown Leasing	Copier Lease	697.04
Hunt Cleaners, Inc.	Supplies	170.80
Husker Ag Sales	Parts	5.35
Ingram Library Services	Books	737.46
J H Lawn Service	Lawn Care	536.00
Jim Phillips Const.	Street Repair	3,835.00
John's Liquor & Video	Storage Rent	236.00
Gengenbach, Kevin	Rental	220.00
Kriz-Davis Co.	Supplies	417.31
Lakota	Food	24.25
Lexington Animal Clinic	Animal Care	515.60
Lexington Health Fund	Self-funding	25,864.99
Lexington Newspapers, Inc.	Advertising	463.33
Lexington Postmaster	GGC Postage	150.00
Lexington Public Library	Petty Cash	15.65
Lexington True Value	Supplies	159.10
Lexington, City of	Monthly/Franchise Fees	23,854.13
Lexington City Payroll Account	Wages	88,398.68
Social Security	Employer Port/FICA Med	6,649.33
First National Bank	Employer Portion/Pension	2,864.81
First National Bank	Police Pension	1,092.71
ICMA	City Manager Pension	224.00
Lynn Peavey Co.	Supplies	42.80
Mac's Short Stop	Food	95.62
Michael Todd & Company, Inc.	Equipment	194.55
Mid-Nebraska Printing	Office Supplies	45.00
Miller & Associates	Retainer Services	800.00
Naputi, Jesus	Travel Expense	60.92
National Waterworks	Supplies	65.49
NCMA Summer Conference	Registration Fee	120.00

Nebraska Public Power District	Power Purchase	401,197.02
Nelson, Margie	Cleaning Service	535.00
OPS Systems	WWTP System Support	600.00
Overton Sand & Gravel	Gravel	105.00
Oxmoor House	Subscription	16.91
Paulsen Inc.	Concrete	689.38
Platte Valley Communications	Maint./Repair	131.25
Plum Creek Promotions	T-Shirts	1,781.95
Precision Industries	Supplies	228.45
Precision Sprinklers	Repair	49.48
Price's Tree Service	Tree Service	1,340.00
Recorded Books	Books	151.40
Reliable Office Supplies	Supplies	19.97
Resource Management Co, Inc.	Tire Removal	16,556.22
Rodriquez, Josie	Refund/Pool Pass	50.00
Service Master Mid Nebraska	Cleaning Service	225.00
Seward, Randell	Cleaning Service	400.00
Steve's Lock & Key	Keys & Locks	138.05
SunMart	Food	176.57
T. O. Haas Tire Company, Inc.	Repair	19.71
Taser International	Supplies	329.46
Total Lawn Care	Lawn Care	1,381.00
U-Save Business Equipment	Office Supplies	522.65
Unique Books, Inc.	Books	737.50
Univar USA, Inc.	Pool Chemicals	905.60
Wal-Mart	Supplies	614.57
Wesco Distribution, Inc.	Supplies	267.50
Wheeled Coach	2003 Ford Ambulance	91,750.00
Willard Weinhold Law Office	Fees	1,200.00
Yant Equipment Company, Inc.	Supplies	894.00
Alltel	Cellphone Service	210.04
All Points Cooperative	Weed Killer	436.30
Barnes Distribution	Supplies	206.17
Berntson Oil	Fuel	71.12
Caballero, Sara	Electric Rebate	900.00
Card Center	Supplies	241.87
Case Credit Advantage	Supplies	142.70
Cash-Wa Distributing	Food & Supplies	647.33
Clean Harbors Env. Services, Inc.	Test Samples	295.40
Coca-Cola/Dr. Pepper of Kearney	Beverages	924.00
Corp. Benefit Services of America	Claims	16,037.49
Credit Report of Lexington	Annual Charge	165.00
Dan's Sanitation	Sanitation Fees	2,364.44
Dawson County Public Power	Electricity	6,784.23
Dawson County Register of Deeds	Filing Fee	8.00
Depository Trust Company	2003 UTL Bond Interest	86,621.08
EDM Equipment Company	Oil Cooler	1,242.65
Eilers Machine & Welding	Labor & Material	93.19
Electric Fixture	Supplies & Parts	3,722.85
Farmer Brothers	Food & Supplies	193.64
Fifth Street Automotive	Repair/Rescue Unit	210.63
Gillette Dairy	Food	184.13
Global Equipment Company	Office Equipment	288.71
Great Plains One-Call Service	Locates	119.66
Harker's	Food	170.53
Heiman Fire Equipment, Inc.	Equipment	10,050.00
Hipp Wholesale Foods, Inc.	Food/Supplies	808.93

Hobelman, Jerry	Electric Rebate	1,400.00
Husker Ag Sales	Supplies	4.60
Ingram Library Services	Books	4.47
Keim, Bob	Freon Removal	195.00
Knapp Electric	Repair/Supplies	770.14
Lexington Public Library	Petty Cash	5.87
Jim Phillips Construction	Street Repair	1,794.00
Jones Plumbing & Heating	Supplies & Repair	3,017.61
Kinder Morgan	Gas Service	3,235.20
Lex Area Solid Waste Agency	Special Waste Expense	1,057.32
Lien Lawn Services	Mowing	898.00
Linweld	Medical Supplies	49.62
Lynn Peavey Company	Supplies	45.15
Mac's Short Stop	Food	73.21
Martin Electric	Repair	40.45
Mead/Big Valley Lumber	Supplies	23.23
Mead Rental Center	Repair	6.00
Med-Tech Resources, Inc.	Supplies	121.77
Meteorlogix	Satellite Subscription Fee	1,116.00
Michael Todd & Company, Inc.	Supplies	151.89
Miller & Associates	Taft St./Adams St./WWTP	85,382.16
National Waterworks	Meters	7,869.19
Nebraska Department of Revenue	Sales & Use Tax	27,992.95
Nebraska Tech & Telecomm, Inc.	Phone Expense	1,403.24
Nebraska Waste Handlers	Waste Loads	4,161.00
Petty Cash Fund	Petty Cash	18.50
Platte Valley Communications	Repair/Rent	1,291.50
Plum Creek Auto Spa	Maintenance	4.50
Plum Creek Cleaners	Cleaning Service	273.50
Plum Creek Motors	Service	157.87
Plum Creek Promotions	Shirts	105.00
Precision PC	Printer Fuse	130.00
Qwest	Phone Expense	61.72
Redbook	Subscription	17.97
S & W Auto Parts, Inc.	Supplies	108.46
Schwan's Sales	Food	230.24
Signal Equipment Company	Dial Motor	212.13
T. O. Haas Tire Company, Inc.	Tires & Repair	413.36
Tri-County Hospital	Wellness	231.00
Underwood, James	Cleaning Service	230.00
Wagner, Paul	Utility Refund	45.00
Wal-Mart	Supplies	159.03
Ward Laboratories	Weed Killer	28.00
	TOTAL:	1,220,009.96

**BID AWARD:**

Dana Daniels, representing Miller and Associates, requested Council accept the bid, and award the contract, for the South Adams Street Paving Improvement Project. Following discussion, moved by Klamm, seconded by Tomasek, to accept the bid of \$537,505.70, and award the contract for the South Adams Street Paving Improvement Project, to Paulsen, Inc. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Pepplitsch requested Council's approval of Pay Request No. 18 for the Adams Street Viaduct Project. Following discussion, moved by Salem,

seconded by Tomasek, to approve Pay Request No. 18 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$216,871.47. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch requested Council's approval of Pay Request No. 3 for the Municipal Wastewater Pretreatment Facility Project. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 3 for the Municipal Wastewater Pretreatment Facility Project, to Wanzek Construction, Inc., in the amount of \$399,279.24. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**STREET DANCE:**

Buck Teply, representing Tep's Bar and Grill, requested Council authorize the use of Public Property for the Plum Creek Days Street Dance. Showing support of the Street Dance was Chamber Director Vicki Gilpin. Following discussion, moved by Klamm, seconded by Tomasek, to approve the use of Public Property for the Plum Creek Days Street Dance on Friday, July 2, 2004. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**SPECIAL USE AGREEMENT:**

Mr. Clinton Witt requested Council's approval of a Special Use Agreement on his property located at 3033 Plum Creek Parkway. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Special Use Agreement for Clinton Witt on property located at 3033 Plum Creek Parkway, Lexington, Nebraska, for use as a Camping Trailer Park. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**SUBDIVISION REQUEST:**

Peplitsch requested Council's approval of a Resolution approving the Subdivision by the City of Lexington on property located at 709 E. Walnut. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 04-08. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 04-08

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

The plat of SOUTH RAILROAD SUBDIVISION, of a Tract of Land located in part of the Southeast Quarter of Section 5, T9N, R21W, 6<sup>th</sup> P.M. in the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2004.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**ORDINANCE:**

Peplitsch requested Council's approval of an Ordinance selling lot one of South Railroad Subdivision, located at 709 E. Walnut, Lexington, NE. Following discussion, an Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF LOT 1, OF THE SOUTH RAILROAD SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before Council. Moved by Klamm, seconded by Salem, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

Said Ordinance was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2182, on final reading. Roll call. Voting "aye" were Klamm, Tomasek, Salem, Fagot. Voting "nay" was Cook. Motion carried.

**ORDINANCE:**

Following discussion, an Ordinance entitled "AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Klamm, seconded by Salem, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

Said Ordinance was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2183 on final reading. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**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.

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Deputy City Clerk