

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 28, 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 Charles Clark.

**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 – 09-14-04:** Minutes of the Regular Meeting scheduled for Tuesday, September 14, 2004 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held September 14, 2004 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$478,312.88 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$265,854.30 from the General Fund, \$164,697.41 from LEXUS, \$21,287.13 from Sanitation, \$46.16 from Library Memorial, \$16,596.72 from Health Fund, \$9,831.16 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Cook, Salem, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
September 28, 2004

|                                   |                   |           |
|-----------------------------------|-------------------|-----------|
| Alamar Uniform Company            | Shirts            | 100.63    |
| Alltel                            | Cellphone Service | 155.99    |
| Barmore Drug                      | Office Supplies   | 4.99      |
| Berntson Oil                      | Fuel              | 3,296.64  |
| Card Center (Orscheln)            | Parts/Supplies    | 122.11    |
| Case Credit Advantage             | Repair Supplies   | 21.84     |
| Cash-Wa                           | Food & Supplies   | 256.41    |
| Corporate Benefit Svcs of America | Claims            | 15,048.06 |
| Dawson Area Development           | Membership Fees   | 10,000.00 |
| Demco                             | Library Supplies  | 81.86     |

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| Dugan Business Forms                                     | Office Supplies                             | 241.45    |
| Dutton-Lainson Company                                   | Electrical Supplies                         | 232.51    |
| Eakes Office Products                                    | Office Supplies                             | 179.90    |
| Electric Fixture   | Electric Supplies                           | 35.86     |
| Farmer Brothers Coffee                                   | Food  | 283.77    |
| Fed Ex   | Delivery                                    | 20.45     |
| Five Star Flooring                                       | Tile Repair                                 | 241.28    |
| Follett Software Company                                 | Library Supplies                            | 165.91    |
| Fransyl Equipment Company                                | Elec Dept Veh Inspections                   | 6,979.43  |
| Gary's Detail Shop                                       | Car Wash                                    | 20.00     |
| Gillette Dairy   | Dairy Products                              | 512.38    |
| Gnirk Lawn Care  | Lawn Care                                   | 900.00    |
| Harker's   | Food  | 807.31    |
| Hipp Wholesale Foods, Inc.                               | Food & Supplies                             | 725.61    |
| I. A. E. I. , Ne. Chapter                                | Membership Fees                             | 90.00     |
| Incode-CMS   | Annual Software Maint                       | 11,856.00 |
| Ingram Library Services                                  | Books                                       | 633.69    |
| Jeffrey Contracting                                      | Building Maintenance                        | 89.35     |
| Keim, Bob  | Freon Removal                               | 195.00    |
| Kinder Morgan  | Gas Service                                 | 704.47    |
| Kriz-Davis Company                                       | Riser Pole/Repair Supplies                  | 1,877.34  |
| Lawson Products, Inc.                                    | Electric Supplies                           | 369.08    |
| Lexington Boy Scout Troop #88                            | Recycling                                   | 60.00     |
| Lexington Girl Scouts                                    | Recycling                                   | 60.00     |
| Lexington Glass Company                                  | Door Repair                                 | 50.00     |
| Lexington Newspapers                                     | Publications                                | 153.20    |
| Lexington Public Library                                 | Petty Cash                                  | 17.35     |
| Lexington Public Schools                                 | Refund Tobacco &<br>Liquor Fees             | 7,030.00  |
| Lexington, City of                                       | Service Fees                                | 20,355.50 |
| Lexington City Payroll Account                           | Wages                                       | 87,150.05 |
| Social Security  | Employer Port/FICA Med                      | 6,557.30  |
| First National Bank                                      | Employer Portion/Pension                    | 2,900.00  |
| First National Bank                                      | Police Pension                              | 1,237.06  |
| ICMA   | City Manager Pension                        | 231.84    |
| Little Caesars   | Food  | 24.98     |
| Lookout Books  | Books                                       | 516.55    |
| McCookNet Internet Service                               | Service                                     | 5.00      |
| Mead/Big Valley Lumber                                   | Maintenance Supplies                        | 51.71     |
| Mid-Nebraska Printing                                    | Office Supplies                             | 249.05    |
| MidAmerica Books   | Books                                       | 399.91    |
| Miller & Associates                                      | Retainer Service                            | 800.00    |
| Municipal Supply   | Repair Supplies                             | 310.81    |
| Nat Council On The Aging, Inc.                           | Membership Fees                             | 145.00    |
| Nat Institute of Bus Management                          | Subscription Renewal                        | 97.00     |
| National Recreation                                      | Membership Fees                             | 160.00    |
| Nebr Dept of HHS Laboratory                              | Water Analysis                              | 186.00    |
| Nebraska Community Foundation                            | Conference Registration                     | 100.00    |
| Nebraska Department of Revenue                           | Nebraska Waste Reduction<br>& Recycling Fee | 25.00     |
| Nebraska Library Commission                              | Monthly Products/Svcs                       | 19.34     |
| Nebraska Machinery                                       | Machinery Repair                            | 162.45    |
| Nebraska Safety Council                                  | Safety Film                                 | 5.00      |
| Nebraskaland Conf. Of Building<br>Officials & Inspectors | Conference Registration                     | 40.00     |
| Newman Traffic Signs                                     | Street Sign Supplies                        | 294.98    |

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| Northern Tool & Equip Company     | Building Maint Supplies              | 284.93     |
| Overton Community Center          | MOW                                  | 100.00     |
| Paulsen Inc.                      | Concrete                             | 66.88      |
| The Pinnacle Agency               | Insurance Premium                    | 5,436.00   |
| Platinum Plus For Business        | Misc. Supplies                       | 28.99      |
| Plum Creek Telephone Systems      | Maintenance Service                  | 55.00      |
| Precision PC                      | Two Computer Systems/<br>Library     | 1,970.00   |
| Quill Corporation                 | Annual Office Supplies               | 1,275.93   |
| Recorded Books                    | Books                                | 311.10     |
| Reiman Publications               | Subscription Renewal                 | 25.96      |
| S & W Auto Parts, Inc.            | Central Garage Supplies              | 185.89     |
| Sa-So Public Safety 2004          | Medical Supplies                     | 127.51     |
| Save-A-Lot Discount Foods         | Food                                 | 17.79      |
| Sensus Technologies, Inc.         | Annual Computer Support<br>Renewal   | 1,000.00   |
| Solomon Corporation               | DGA Tests/Transformer                | 5,420.00   |
| SunMart #763/Sixth Street         | Food                                 | 11.29      |
| Sweet Watermelon Books            | Books                                | 20.00      |
| Taqueria Mexico                   | Food                                 | 69.55      |
| TASC                              | Flex Plan                            | 144.00     |
| Terryberry                        | Service Award Supplies               | 685.10     |
| Traces                            | Books                                | 75.00      |
| U S News & World Report           | Subscription Renewal                 | 39.50      |
| U-Save Business Equipment         | Office Supplies                      | 269.20     |
| Union Pacific Railroad Company    | Adams & Madison<br>Crossing Closures | 37,893.25  |
| Upstart                           | Books                                | 1.35       |
| Utility Equipment                 | Supplies/Parts                       | 648.03     |
| Wal-Mart                          | Supplies                             | 124.16     |
| Water Safety Products, Inc.       | Pool Supplies                        | 117.42     |
| Weathercraft Company              | Overhead Door Repair                 | 550.00     |
| Wesco Distribution, Inc.          | Electrical Supplies/<br>Transformers | 6,556.21   |
| Zep Manufacturing Company         | Office Supplies                      | 111.17     |
| Berntson Oil                      | Fuel                                 | 29.00      |
| Bob's Auto Repair & Service       | Repair                               | 1,517.60   |
| Broshears, Richard                | Electric Rebate                      | 1,025.00   |
| Case Credit Advantage             | Supplies                             | 464.83     |
| Card Center/Orscheln              | Supplies                             | 40.27      |
| Cash-Wa Distributing              | Food & Supplies                      | 487.72     |
| Central Garage Fund               | Maint./Repairs                       | 7,738.62   |
| Clark, Charles                    | Travel Expense                       | 132.00     |
| Corporate Benefit Svcs of America | Claims                               | 1,377.66   |
| Dan's Sanitation                  | Sanitation Fees                      | 21,287.13  |
| EDM Equipment Company             | Supplies/Street Sweeper              | 100,197.22 |
| EMS Billing Services, Inc.        | Medical Supplies                     | 934.00     |
| Electric Fixture                  | Electric Supplies                    | 139.98     |
| Evans, Carolyn                    | Electric Rebate                      | 1,025.00   |
| Electronic Systems                | Fire Alarm Inspection                | 25.00      |
| Family Eyewear                    | Medical Claim                        | 27.00      |
| FYR-TEK                           | Fire Ext. Supplies                   | 219.46     |
| Gillette Dairy                    | Beverages                            | 53.98      |
| Harker's                          | Food                                 | 677.47     |
| Husker Ag Sales                   | Fire Truck Supplies                  | 439.90     |
| Ingram Library Services           | Books                                | 94.24      |

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| Kriz-Davis Company            | Supplies                        | 428.83            |
| Lexington Health Fund         | Self-funding                    | 25,350.00         |
| Lexington Volunteer Fire Dept | Medical Supplies                | 2,118.34          |
| Lexington Public Library      | Petty Cash                      | 26.30             |
| Lexington Newspapers          | Publication                     | 452.29            |
| Lexus                         | Utilities                       | 18,762.19         |
| Lexington, City of            | Service Fees                    | 36,459.65         |
| Lexington Postmaster          | Annual Postal Fee               | 150.00            |
| Lexington Optimists           | Dues                            | 60.00             |
| Platinum Plus For Business    | Supplies                        | 35.87             |
| Mead/Big Valley Lumber        | Maintenance Supplies            | 50.27             |
| Misko Sporting Goods          | Ball Field Supplies             | 239.60            |
| Mr. Automotive                | Supplies                        | 73.12             |
| National Automobile Dealers   | Subscription                    | 60.00             |
| Nebraska Machinery            | Supplies                        | 649.96            |
| Paulsen Inc.                  | Concrete                        | 125.00            |
| Petty Cash Fund               | Petty Cash                      | 69.55             |
| Platte Valley Auto Mart       | Supplies                        | 74.97             |
| Precision PC                  | Library/Repairs                 | 605.00            |
| Precision Industries          | Supplies                        | 38.68             |
| T. L. Sund Constructors, Inc. | Access Road to City<br>Well #18 | 1,398.00          |
| T. O. Haas Tire Company, Inc. | Tire Repair                     | 48.24             |
| S & W Auto Parts              | Supplies                        | 1,334.62          |
| Sellin, Gordon                | Electric Rebate                 | 1,025.00          |
| U-Save Business Equipment     | Office Supplies                 | 352.49            |
| Wal-Mart                      | Supplies                        | 48.32             |
| Wesco Distribution, Inc.      | Transformer                     | 847.44            |
| Young, Eugene                 | Electric Rebate                 | 125.00            |
| Zep Manufacturing Company     | Cleaning Supplies               | 105.46            |
|                               | <b>TOTAL:</b>                   | <b>478,312.88</b> |

**SUBDIVISION  
AGREEMENT:**

Steve Heldt, representing M & H Enterprises and other various owners, requested Council’s approval of a Subdivision Agreement for Parkview Addition in Lexington, NE. Following discussion, moved by Klamm, to approve Subdivision Agreement for Parkview Addition, located at 18<sup>th</sup> Street and Park Drive, Lexington, NE. Motion dies for lack of a second. Discussion continued regarding TIF Financing in Paragraph 5 of Subdivision Agreement. Following discussion, moved by Klamm, seconded by Salem, to approve Subdivision agreement for Parkview Addition located at 18<sup>th</sup> Street and Park Drive, Lexington, NE, with the final sentence in Paragraph 5 to read as follows: “The parties anticipate that the cost of construction of sewer and water to the property line of Block 2, shall be treated as a reimbursable expense.” Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened the Public Hearing. Mr. Nick Rodriguez requested Council’s recommendation for a Class “B” and Class “M” Liquor License for La Chapparra Night Club. Police Chief Charles Clark reported to the Council, three offenses found to be omitted from the Application, which included Driving under Suspended License in August, 1991, Second Offense of Driving under Suspended License in October 1991, and Issuing Bad Checks in November, 1995. Chief Clark further reported that there is a Domestic Abuse Protection Order currently in force against Mr. Rodriguez, who was cited on September

23, 2004, and again this evening, for violating the Protection Order. Chief Clark was also informed by Mr. Rodriguez, that his wife would be conducting sales behind the bar and running the cash register, and yet there is a signed affidavit of non-participation filed by his wife. Following discussion, Mayor Fagot closed the public hearing. Moved by Cook, seconded by Klamm, to deny recommendation for a Class "B" and Class "M" Liquor License, for Nick Rodriguez, dba La Chapparra Night Club, 405 East Pacific, Lexington, NE 68850, based on the inaccurate information presented on the Liquor License Application. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

**WAIVER OF OBJECTION:** Mr. Steve Heldt, representing William and Meredith Orthman, requested Council's approval of a Waiver of Objection on property owned by Mr. And Mrs. Orthman. Following discussion, moved by Cook, seconded by Klamm, to approve the Waiver of Objection on property owned by William and Meredith Orthman. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Cook, Fagot. Motion carried.

**WAIVER OF OBJECTION:** Mr. Steve Heldt, representing Orthman Manufacturing, Inc., requested Council's approval of a Waiver of Objection on property owned by Orthman Manufacturing, Inc. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Waiver of Objection on property owned by Orthman Manufacturing, Inc. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch requested Council's approval of Pay Request No. 5 for the High Rate Anaerobic Process Equipment. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 5 for the High Rate Anaerobic Process Equipment at the Wastewater Treatment Plant, to Biothane Corporation, in the amount of \$61,004.25. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**CHANGE ORDER:** Peplitsch requested Council's approval of Change Order No. 9 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Change Order No. 9 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$110,720.95. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch requested Council's approval of Pay Request No. 25 for the Lexington Viaduct Project. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request No. 25 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$122,578.64. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

**FIRE DEPARTMENT ROSTER:** Peplitsch requested Council's acceptance of the Lexington Fire Department Roster. Following discussion, moved by Klamm, seconded by Salem, to accept the Lexington Fire Department Roster. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

**FINANCIAL REPORT:**

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