

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Monday, November 10, 2003 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, Steve Tomasek. Councilman John Salem arrived at 7:30 p.m., left again at 7:58 p.m., and arrived at 8:05 p.m. to stay for the remainder of the meeting. City Officials present were City Manager Joe Pepplitsch, 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 – 10-28-03:**

Minutes of the Regular Meeting that was held Tuesday, October 28, 2003 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held October 28, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$734,946.76 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Tomasek, to approve the Claims and Bills as listed and authorize the City Treasurer to transfer \$141,093.70 from the General Fund, \$2,249.86 from Economic Development, \$5,266.50 from Housing Reuse, \$543,332.52 from LEXUS, \$10,000.00 from Sanitation, \$24,315.12 from Health Fund, \$8,689.06 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 10, 2003

Alamar Uniform Co.	Police Supplies	115.98
All Points	Meeting Expense	29.94
Alltel	Cell Phone Service	101.39
Automotive Sales & Service	Central Garage Supplies	218.40
Berntson Oil	Fuel/Diesel	163.58
Berreckman, Claude/ Einer & Susan Thomsen	Condemnation	4,180.00
Spring Creek Embroidery	Embroidery Services	10.00
Brummet, Elberta	Reimb. Library Supplies	13.22
Case Credit Advantage	Central Garage Supplies	409.23

Cash-Wa Distributing	Food & Supplies	886.07
CBSA	Emp. Claims/Premiums	26,643.77
CCP Industries, Inc.	Street Supplies	76.16
Central Fire & Safety	Fire Extinguishers Inspec.	653.25
Central Garage Fund	Labor/Parts/Oil	10,368.04
Central Tire & Tread	Tires	813.42
Certified Laboratories	Central Garage Supplies	467.10
Ciaccio Dennell Group	Designing Services	6,300.00
Cindy's Heavenly Cookies	Meeting Expense	10.50
Culligan Water Conditioning	Water Service	163.23
Dan's Sanitation	Sanitation Expense	10,667.44
Dawon County Treasurer	Vehicle Title/Sales Tax	615.50
Dawson County Clerk	Dispatch Fee	6,360.16
Dawson Pest Control	Pest Services	27.00
Deans, Teri	Clerical Services	36.00
Dutton-Lainson Company	Electrical Supplies	858.13
Ebsco Subscription Service	Library Supplies	1,606.41
Econo Lodge	Lodging/Convention	1,340.28
EDM Equipment Company	Central Garage Supplies	797.38
Eilers Machine & Welding	Sewer Supplies	56.00
Electric Fixture	Electrical Supplies	607.36
Engineered Seal Products	Seal/Repair Kit	1,524.29
Fagot Refrigeration & Electric	Electrical Services	1,064.45
Fastenal	Sewer Supplies	37.33
Follett Software Co.	Library Supplies	164.71
Gale Group, The	Library Supplies	141.16
Gall's Inc.	Police Supplies	5.86
Gary's Detail Shop	Car Wash	20.00
Gillette Dairy	Dairy	160.33
Great Plains One-Call Service	Diggers Hotline	109.15
Harker's	Food & Supplies	490.23
Hipp Wholesale Foods, Inc.	Food & Supplies	427.71
Hometown Leasing	Copier Payment	544.60
Husker Ag Sales	Central Garage Supplies	177.62
Ingram Library Services	Library Supplies	912.20
JMS Millwright & Heating	Crane Service	180.00
Jones Plumbing & Heating	Plumbing Services	1,212.94
KAR Products, Barnes Group	Central Garage Supplies	34.13
LASWA	Sanitation Service	1,284.66
Latina	Library Supplies	12.00
Lexington Animal Clinic	Animal Services	366.70
Lexington Health Fund	Self-Funding	26,932.00
Lexington Newspapers, Inc.	Publications	123.37
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash Fund	32.34
Lexington True Value	Misc Supplies	159.30
Lexington, City of	Franchise Fees/Mo. Chgs.	23,878.92
Lien Lawn Services	Lawn Service	875.00
Lexington City Payroll Account	Wages	81,285.04
Social Security	Employer Port/FICA Med	6,109.37
First National Bank	Employer Portion/Pension	2,820.93
First National Bank	Police Pension	1,116.97
ICMA	City Manager Pension	224.00
Mid-States Units	Toilet Rental	825.00
Miller & Associates	Hwy 283/Bridge	
	Street Reconstruction	1,509.60

Morton, Allyn	OOB Prog/Construction	2,140.00
Mr. Automotive	Central Garage Supplies	21.86
National Waterworks	Water Supplies	227.21
Nebraska Dept. of Motor Vehicles	Renew License/Tags	3.75
Nebraska Machinery	Central Garage Supplies	151.18
Nebraska National Bank	Lease Payment	361.56
Nebraska Public Power District	Power Purchase	401,243.50
Nebraska Truck & Equip Co, Inc.	Truck Repair	2,413.68
Nebraska Waste Handlers	Sludge Removal	3,504.00
Nelson, Margie	Cleaning Services	500.00
Nelson, Thomas	Reimbursement/Mileage	25.20
NT&T	Phone Service	1,368.89
Office Equipment Center, Inc.	Service Contract	295.00
Old Dominion Brush	Misc Supplies	441.76
Patty's Hallmark	Office Supplies	197.38
Platte Valley Communications	Monthly Service/Repair	3,409.00
Plum Creek Auto Spa	Car Wash	4.50
Plum Creek Motors	Central Garage Supplies	33.32
Plum Creek Promotions	Street Supplies	43.20
Qwest	Payphone Svc/Line Repair	1,167.63
S&W Auto Parts	Central Garage Supplies	1,260.63
Sagebrush	Library Supplies	695.93
Service Master Mid-Nebraska	Carpet Cleaning Services	48.00
Seward, Randell	Cleaning Services	400.00
Simmerman Electric	Electrical Supplies	152.00
Subway	Meeting Expense	17.56
Sulzman Construction	OOB Prog/Construction	3,126.50
Sunmart	Food & Supplies	26.50
T.O. Haas Tire Co. Inc.	Tire Repair	40.50
Tagge Engineering Consultants Inc.	Survey Expense	897.80
Total Lawn Care	Lawn Services	1,340.00
Tri-County Hospital	Testing	70.00
Platte Valley Auto Mart	Vehicle Purchase	8,650.00
Wal-Mart	Misc Supplies	377.88
Wesco Distribution, Inc.	Transformers/Misc Supplies	8,904.22
Willard Weinhold Law Office	Lawyer Services	1,590.00
Berntson Oil	Fuel	2,833.92
CBSA	Claims	11,260.64
Central Fire & Safety, Inc.	Fire Extinguishers Inspection	97.25
Charter Communications	Internet Services	226.90
Conney Safety Products	Maintenance Supplies	232.86
Cozad Services, Inc.	Repairs	418.03
Dawson County Public Power	Electrical Services	290.00
Dawson County Register of Deeds	Filing Fees	480.00
Electric Fixture	Sewer Supplies	522.66
Fastenal	Sewer Supplies	26.31
Hometown Leasing	Copier Payment	152.44
Ingram Library Services	Library Supplies	102.04
K.R.V.N.	Contract Renewal	128.25
KAR Products, Barnes Group	Central Garage Supplies	42.28
Kinder Morgan	Gas Services	1,428.29
Lexicon Marketing Corp.	Library Supplies	45.00
Lexington Public Library	Refund Petty Cash	10.10
Lexington True Value	Street Supplies	13.74

Linweld	Oxygen	74.60
Mead/Big Valley Lumber	Misc Supplies	135.58
Micro-Marketing, LLC	Library Supplies	44.20
Nebraska Department of Revenue	Sales/Use Tax	31,321.42
Nebraska Machinery	Central Garage Supplies	157.50
Patty's Hallmark	Office Supplies	180.17
Paulsen, Inc.	Rock	856.00
Petty Cash Fund	Petty Cash	45.60
Platte Valley Communications	Pagers/Fire Dept	2,394.00
S&W Auto Parts, Inc.	Sewer Supplies	95.55
Solomon Corporation	Electrical Services	180.00
TASC	125 Plan	152.00
Tri-County Hospital	Wellness/Ambulance Supplies	1,205.20
Video Service of America	Promotional Equipment	2,249.86
W.P.C.I.	Drug Screen	54.20
Wagner Irrigation	Pump Repair	836.48
Wal-Mart	Misc Supplies	102.80
Wesco Distribution, Inc.	Transformer	1,893.90
	TOTAL:	734,946.76

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Kristie Tepley requested City Council's approval of a Class "D" and Class "M" Liquor License Application for Samuel and Kristie Tepley, dba Tep's, located at 112 E. 5th Street, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Tomasek, to recommend approval of a Class "D" and Class "M" Liquor License Application for Samuel and Kristie Tepley, dba Tep's, located at 112 E. 5th Street, Lexington, Nebraska. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Fagot. Motion carried.

Councilman John Salem arrived at 7:35 p.m.

**COMBINED UTILITY
REVENUE BONDS:**

Jim Fox, representing Ameritas Investment Corp. requested Council approve an Ordinance authorizing issuance of Combined Utility Revenue Bonds Series 2003. Following discussion, an Ordinance entitled "AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE BONDS, SERIES 2003, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF FOUR MILLION FOUR HUNDRED FIVE THOUSAND DOLLARS (\$4,405,000) FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVEMENTS AND EXTENSIONS FOR THE CITY'S SEWAGE DISPOSAL PLANT AND SANITARY SEWER SYSTEM AND ELECTRIC LIGHT AND POWER DISTRIBUTION SYSTEM; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON, ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE

DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE 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, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance No. 2176 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**WASTEWATER
TREATMENT PLAN
IMPROVEMENTS:**

Reed Miller, representing Miller and Associates, requested Council’s approval of the Plans and Specifications for the Municipal Wastewater Pre-Treatment Facility, and authorize the advertisement for bids. Following Mr. Miller’s presentation, moved by Klamm, seconded by Salem, to approve the Plans and Specifications for the Municipal Wastewater Pre-Treatment Facility, and authorize the advertisement for bids. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Reed Miller requested Council’s approval of Pay Request No. 1 for the Wastewater Treatment Facility High Rate Anaerobic Process Equipment. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 1 for the Wastewater Treatment Facility High Rate Anaerobic Process Equipment, to Biothane Corporation, in the amount of \$122,008.50. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels, representing Miller and Associates, requested Council’s approval of Pay Request No. 3 for the Lexington Industrial Park Paving Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 3 for the Lexington Industrial Park Paving Project, to Paulsen Inc., in the amount of \$501,143.59. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

Councilman Salem left the meeting at 7:58 p.m.

CHANGE ORDER:

Dana Daniels requested Council’s approval of Change Order No. 2 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Change Order No. 2 for the Adams Street Viaduct Project No. STPN-TMT-6555(1), to Paulsen, Inc., in the amount of \$1,793.10. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested Council’s approval of Pay Request No. 6 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 6 for the Adams Street Viaduct Project No. STPN-TMT-6555(1), to Paulsen, Inc., in the amount of \$147,313.42. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested Council’s approval of Pay Request No. 3 for the 15 MVA Substation Addition. Following discussion, moved by

Klamm, seconded by Tomasek, to approve Pay Request No. 3 for the 15 MVA Substation Addition, to Kayton Electric, Inc., in the amount of \$339,390.00. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Fagot. Motion carried.

Councilman Salem arrived at 8:05 p.m.

LASWA AMENDMENT:

John Knapple representing the Lexington Area Solid Waste Agency, requested Council's approval of an Amendment to the Service Agreement proposed by the LASWA. Following discussion, moved by Cook, seconded by Klamm, to table this item until such time the Lexington Area Solid Waste Agency, City Administration, and City Attorney, can clarify the Amendment, and make a recommendation to the City Council. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Cook, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Tomasek, to enter into Executive Session at 8:39 p.m., for the purpose of discussing purchase of land. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

Moved by Tomasek, seconded by Klamm, to reconvene Regular Session from Executive Session at 8:55 p.m. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Joe Peplitsch
City Clerk

I, the undersigned 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.

City Clerk