

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 25, 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, 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 – 11-10-03: Minutes of the Regular Meeting that was rescheduled for Monday, November 10, 2003, because of the Veteran’s Day Holiday, was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Regular Meeting held November 10, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$420,494.73 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 \$262,870.40 from the General Fund, \$5,014.15 from Housing Reuse, \$86,689.88 from LEXUS, \$21,354.70 from Sanitation, \$38,630.27 from Health Fund, \$5,935.33 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
November 25, 2003

Alamar Uniform Co.	Uniform Expense	195.00
All Points	Propane	17.50
Allison Mechanical Sales	Sewer Supplies	1,024.94
American Public Works Assoc.	Membership Fee	231.00
Associated Pool Builders	Winterize Pool	1,462.50
Barmore Drug Store, Inc.	Misc Supplies	14.84
Berntson Oil	Fuel/Diesel	73.35
Bischoff, John	Reimbursement/Meter	
	Reading Supplies	19.99
Building Permits Law Bulletin	Publication	86.78
Card Center-Orscheln	Sewer Supplies	28.46

Cash-Wa Distributing	Food & Supplies	882.14
CBSA	Claims	15,746.52
Dan's Sanitation	Sanitation Service	993.00
Dawson County Handibus	Transportation	340.00
Dawson County Public Power	Electrical Services	3,113.38
Dawson County Road Department	Culvert	300.00
Depository Trust, Co.	2002 GD Bond Payment	139,545.00
Dugan Business Forms	Office Supplies	1,471.99
Eakes Office Products	Office Supplies	8.88
Eilers Machine & Welding	Materials/Labor	411.07
Electric Fixture	Electrical Supplies	1,069.31
Fagot Refrigeration & Electric	Elec Svcs/Utility Dept	620.23
Fastenal	Sewer Supplies	123.96
Flowers of Joy	Misc Office Supplies	67.30
Fox Bros. Hay Co. Inc.	Grinding Services	1,425.00
G&V Inc.	Scale House Removal	7,500.00
Gall's Inc.	Police Supplies	734.31
Gateway Companies, Inc.	Computer Supplies	49.99
Gerken, Ron	OOR, Construction	1,778.15
Gillette Dairy	Dairy	357.18
Gnirk Lawn Care	Lawn Service	450.00
Harker's	Food & Supplies	452.53
Hipp Wholesale Foods, Inc.	Food & Supplies	1,210.05
Husker Ag Sales	Park Supplies	23.99
I.C.M.A.	Subscription Renewal	79.00
Ingram Library Services	Library Supplies	179.71
Jeffrey Contracting	OOR, Construction	1,123.50
John's Liquor & Video	Rental Services	236.00
Kinder Morgan	Gas Service/Damaged Meter Repair	164.15
Kriz-Davis	Electrical Supplies	1,290.15
Lex Area Chamber of Commerce	Membership Dues	3,980.00
Lexington Newspapers, Inc.	Publications	419.81
Lexington Public Library	Petty Cash Fund	42.91
Lexington Recreation Program	Support Personnel	660.00
Lexington True Value	Police Supplies	3.24
Logan Contractors Supply, Inc.	Electrical Supplies	850.08
Lundeen-Isaacson, Inc.	Life & Vehicle Insurance	2,183.50
Lexington City Payroll Account	Wages	83,027.96
Social Security	Employer Port/FICA Med	6,242.70
First National Bank	Employer Portion/Pension	2,797.92
First National Bank	Police Pension	1,207.34
ICMA	City Manager Pension	224.00
Luther, Ann	Reimbursement/Mileage	36.30
McCooknet Internet Service	Computer Equip/Labor	486.21
Mead Rental Center	Repair Services	80.74
Mead/Big Valley Lumber	Misc Supplies	147.28
Mid-Nebraska Printing	Office Supplies	24.50
Midwest Laboratories, Inc.	Sludge Analysis	171.20
National Waterworks	Water Supplies	881.40
NE Health & Human Services	Payment Error	160.00
Nebraskaland Conf-Bldg Officials	Conference/Seminar	100.00
Neopost	Postage	1,500.00
Northern Tool & Equipment	Sewer Supplies	236.74
Overton Community Center	Rental	100.00
Path Master, Inc. - Systems	Electrical Supplies	126.00

Patty's Hallmark	Office Supplies	345.73
Paulsen's, Inc.	Concrete	202.77
Peak Interest	Meeting Expense	69.07
Pinnacle Agency, The	Vehicle Insurance	146.00
Plum Creek Auto Spa	Car Wash	32.50
Plum Creek Cleaners	Dry Cleaning Services	146.00
Plum Creek Promotions	Volleyball/Basketball Shirts	637.10
S&W Auto Parts	Street Supplies	49.61
Sagebrush	Library Supplies	19.11
Sav-A-Lot	Food & Supplies	42.92
Done Rite Janitorial	Janitorial Services	475.00
Stetson Building Products, Inc.	Park Supplies	58.80
Sunmart	Food & Supplies	48.42
T.O. Haas Tire Co. Inc.	Tire Repair	69.54
Terrascan, Inc.	Software	1,100.00
Jelco Carpet Cleaning	Carpet Cleaning	230.00
Veetronix, Inc.	Fire Department Supplies	28.50
Veterans Club	Volunteer Recognition	1,125.00
Wal-Mart	Misc Supplies	186.59
Wesco Distribution, Inc.	Electrical Supplies	447.26
Alltel	Phone Service	204.37
B.P.C.M., Inc.	Collections	143.47
Berntson Oil	Diesel/Gasahol	2,845.50
CBSA	Claims	21,571.75
Childress, Dick	Electric Rebate	1,350.00
Collegiate Pacific	Recreational Supplies	453.00
Cozad Services, Inc.	Repair Services	148.24
Dan's Sanitation	Sanitation Service	21,354.70
Eakes Office Products	Office Supplies	42.47
Eilers Machine & Welding	Misc Supplies	44.94
Electric Fixture	Sewer Supplies	6.12
Hines, Harold	Electric Rebate	1,025.00
Ingram Library Services	Library Supplies	10.24
Lexington Newspapers, Inc.	Publications	165.62
Lexington Public Library	Petty Cash	8.50
Lexington Recreation Program	Support Personnel	40.00
Lexington, City of	Franchise Fees	25,501.35
Lexus	Utilities	17,461.95
Liehs Drilling	Well Repair	149.10
Martin's Flag Company	Street Supplies	231.77
McDonald, Lynee	Electric Rebate	900.00
Mid-Nebraska Printing	Office Supplies	42.25
Miller & Associates	Retainer Services/NW	
	Drainage Study	2,703.65
Municipal Supply	Water Supplies	1,587.01
Newman Traffic Signs	Street Supplies	375.00
Petty Cash Fund	Petty Cash	27.25
Platinum Plus for Business	Misc Supplies	294.96
Platte Valley Auto Mart	Vehicle Purchase	13,720.00
Plum Creek Medical Group	Medical Expense	1,160.00
Precision PC	Software	1,490.00
Puls, Larry	Electric Rebate	1,025.00
Reiman Publications	Library Supplies	10.98
Sign Pro	Vehicle/Sign Expense	130.00
Stewart, Ron	Electric Rebate	1,025.00
Sulzman Construction	OOR, Construction	2,112.50

Sunmart	Food & Supplies	8.74
TASC	125 Plan	152.00
Total Lawn Care	Lawn Service	530.00
Travelers Property Casualty	Insurance Expense	205.00
United Nebraska Bank	Interim Financing Interest	4,064.58
Wal-Mart	Misc Supplies	122.12
	TOTAL:	420,494.73

LASWA AMENDMENT:

Pepplitsch requested Council's approval of a revised copy of the Amendment To Service Agreement proposed by the Lexington Area Solid Waste Agency. Following extensive discussion, moved by Cook, seconded by Salem, to send the Amendment To Service Agreement, proposed by the Lexington Area Solid Waste Agency Board, for signatures by the various representatives of LASWA, and on obtaining those signatures and approval, return to the Lexington City Council for consideration. Roll call. Voting "aye" were Salem, Cook. Voting "nay" were Klamm, Tomasek, Fagot. Motion denied.

Moved by Klamm, seconded by Tomasek, to accept the Amendment To Service Agreement as presented, and authorize the Mayor to sign said document. Roll call. Voting "aye" were Tomasek, Klamm, Fagot. Voting "nay" were Salem, Cook. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Pepplitsch requested Council's approval of a Special Use Permit by Michael D. Arps and Peggy L. King, on property located at 3039 Plum Creek Parkway, Lexington, NE, for the purpose of Mining Activity. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Tomasek, to approve the Special Use Permit by Michael D. Arps and Peggy L. King, on property located at 3039 Plum Creek Parkway, Lexington, NE, for the purpose of Mining Activity, for a 12 month period, beginning October 1, 2003, with the provision that Mr. Rick Brandt, of Brandt Excavating be the only contractor for this excavation-only project. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to recommend approval of the New Manager Application for a Class "A" Liquor License, for Grisel C. Reynoso at Peak Interests LLC, dba Pizza Hut, located at 701 South Bridge Street, Lexington, NE 68850. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

CHANGE ORDER:

Dana Daniels, representing Miller and Associates, requested Council's approval of Change Order No. 3 for Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$5,801.25. Following discussion, moved by Salem, seconded by Klamm, to approve Change Order No. 3 for Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$5,801.25. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested Council's approval of Pay Request No. 7 for Adams Street Viaduct Project, in the amount of \$385,146.83.

Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 7 for Adams Street Viaduct Project, in the amount of \$385,146.83. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

CHANGE ORDER:

Dana Daniels requested Council’s approval of Change Order No. 1 for Phase I Improvements – Lexington Wastewater Treatment Plant, to Eriksen Construction Co., in the amount of \$0.00. Mr. Daniels explained that this documentation is a trade of vermiculite insulation in the Strongwell panels, for an aluminum angle. Following discussion, moved by Klamm, seconded by Tomasek, to approve Change Order No. 1 for Phase I Improvements – Lexington Wastewater Treatment Plant, to Eriksen Construction Co., in the amount of \$0.00. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested Council’s approval of Pay Request No. 3 for Phase I Improvements – Wastewater Treatment Plant, to Eriksen Construction Co., Inc., in the amount of \$63,810.00. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 3 for Phase I Improvements – Wastewater Treatment Plant, to Eriksen Construction Co., Inc., in the amount of \$63,810.00. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels requested Council’s approval of Pay Request No. 4 (Final) for South Lexington Utility Improvement Project, to Starostka Group Unlimited, in the amount of \$108,676.20. Following discussion, moved by Tomasek, seconded by Salem, to approve Pay Request No. 4 (Final) for South Lexington Utility Improvement Project, to Starostka Group Unlimited, in the amount of \$108,676.20. Roll call. Voting “aye” were Klamm, Cook, Salem, Tomasek, Fagot. Motion carried.

**CERTIFICATE OF
SUBSTANTIAL
COMPLETION:**

Dana Daniels requested Council’s approval of the Certificate of Substantial Completion for the South Utility Improvements, by Starostka Group Unlimited. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Certificate of Substantial Completion for the South Utility Improvements, by Starostka Group Unlimited. Roll call. Voting “aye” were Cook, Salem, 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

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