

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 23, 2003 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.

**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 – 12-9-03:** Minutes of the Regular Meeting that was scheduled for Tuesday, December 9, 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 9, 2003 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**CLAIMS AND BILLS:** Claims and Bills in the amount of \$442,415.16 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$115,258.66 from the General Fund, \$2,486.24 from Economic Development, \$15,203.87 from Housing Reuse, \$71,899.51 from LEXUS, \$21,015.41 from Sanitation, \$120.70 from Library Memorial, \$34,076.45 from Health Fund, \$177,100.00 from Library Memorial, \$5,254.32 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 23, 2003

Alamar Uniform, Co.	Uniform Expense	176.00
All Points	Electrical Supplies	43.00
Barco Municipal	Speed Limit Signs	278.13
Barmore Drug Store	Planning & Inspection Supplies	3.59
Berntson Oil	Diesel/Gasohol	2,676.45
Card Center-Orscheln	Misc Supplies	241.54
Cash-Wa Distributing	Food & Supplies	215.70
CBSA	Employee Claims	27,158.10
Center Point Publishing	Library Supplies	120.70

Central Community College	Education/Training	316.00
Certified Laboratories	Central Garage Supplies	123.94
Clarey's Safety Equipment, Inc.	Fire Dept Supplies	418.88
Computer Assistance	CED Promotional Equipment	2,316.61
Demco	Library Supplies	142.41
Dugan Business Forms	Office Supplies	189.89
Eakes Office Products	Office Supplies	55.96
Eilers Machine & Welding	Materials/Labor	501.50
Election Systems & Software, Inc.	Election Supplies	410.31
Fagot Refrigeration & Electric	OOR, Construction	280.40
Farmer Brothers Coffee	Food & Supplies	80.55
FC&A	Library Supplies	33.96
Follett Software Co.	Library Supplies	380.00
Gale Group, The	Library Supplies	441.76
Gillette Dairy	Dairy	192.61
H.W. Wilson Company, The	Library Supplies	99.75
Harker's	Food & Supplies	373.72
Hipp Wholesale Foods, Inc.	Food & Supplies	196.04
Housing Authority-City of Lex	OOR/Testing	1,036.75
Ingram Library Services	Library Supplies	166.92
Jeffrey Contracting	OOR/Construction	4,300.00
Joy Book Nook	Library Supplies	43.04
Kinder Morgan	Gas Service	787.42
Kriz-Davis	Electrical Service	211.56
Leisure Arts	Library Supplies	29.91
Lex Area Chamber of Commerce	CED Promotional Equipment	169.63
Lexington Foundation	Library Building Fund	177,100.00
Lexington Newspapers, Inc.	Publications	352.63
Lexington Postmaster	Annual Fee	220.00
Lexington Public Library	Petty Cash	21.60
Lexington Public Schools	Software Expense	180.50
Lexington Truck & Auto	Central Garage Supplies	74.00
Lexington True Value	Misc Supplies	130.92
Lincoln Tent, Inc.	Park Supplies	94.53
Lexington City Payroll Account	Wages	89,067.96
Social Security	Employer Portion/FICA Med	2,819.02
First National Bank	Employer Portion/Pension	6,704.79
First National Bank	Police Pension	1,341.17
ICMA	City Manager Pension	224.00
Matt Friend Truck Equipment	Central Garage Supplies	162.86
McCooknet Internet Service	Software Service	10.00
Mead/Big Valley Lumber	Misc Supplies	1,543.98
Meridian Library System	Library Supplies	10.00
Mid-Nebraska Printing	Office Supplies	33.47
Miller & Associates	Ind Park Watermain & Paving	222.46
Mr. Automotive	Car Wash	43.08
National Waterworks	Water Supplies	1,724.93
NE Dept. of HHS Laboratory	Analysis	1,733.00
Nebraska Softball Association	Fee for Bids	35.00
Neopost	Postage	1,500.00
Newman Traffic Signs	Street Supplies	226.40
OCLC, Inc.	Library Supplies	369.50
Overton Community Center	Rental	100.00
Patty's Hallmark	Office Supplies	78.56
Paulsen Inc.	Concrete	80.92
Pepplichtsch, Joe	Reimbursement/Meeting Expenses	326.04

Plum Creek Motors	Parts/Labor	213.41
Plus 4 Engineering, Inc.	Police Department Supplies	56.76
Recorded Books	Library Supplies	43.60
S&W Auto Part, Inc.	Central Garage Supplies	1,231.69
Security First Bank	Wilkinson Development/TIF Pmt	22,851.76
Simmerman Electric	Sewer Supplies	149.00
Subway	Meals/Meeting Expenses	23.58
SunMart	Food & Supplies	40.66
T.O. Haas	Tire Purchase & Repair	47.70
Taqueria Mexico	Meals/Meeting Expenses	56.00
The Printing Press	Office Supplies	4.00
Travelers Property Casualty	Insurance Expense	1,860.00
Tri-City Tribune	Subscription	28.00
Viking Office Products	Library Supplies	76.58
Wal-Mart	Misc Supplies	648.93
Wesco Distribution, Inc.	Sewer Supplies	303.88
Alltel	Phone Service	273.55
Allyn Morton Construction	OOR/Construction	5,873.47
Business & Legal Reports, Inc.	Educational Material	534.95
Card Center-Orscheln	Misc Expenses	29.94
Cash-Wa Distributing	Food Supplies	344.15
CBSA	Claims	6,838.35
CCP Industries Inc.	Street Supplies	203.10
Central Garage Fund	Labor/Parts/Oil	4,995.68
D&R Computing	Street Supplies	49.99
Dan's Sanitation	Sanitation Service	22,205.41
Dawson County Handibus	Transportation	170.00
Dutton-Lainson Co.	Electrical, Sewer Supplies	215.34
Farmer Brothers Coffee	Coffee Supplies	83.81
Fastenal	Electrical Supplies	659.92
Flowers of Joy	Misc Office Supplies	39.83
Gillette Dairy	Dairy	67.85
Gutierrez, Jorge	Electrical Rebate	125.00
Hanna:Keelan Associates, P.C.	Lex Area Housing Market Study	4,750.00
Kapco	Library Supplies	45.88
Kriz-Davis Company	Transformers	3,351.24
Lawson Products, Inc.	Electrical Supplies	209.76
Lexington Boy Scout Troop #88	Recycling	50.00
Lexington Girl Scout Troop #212	Recycling	50.00
Lexington Newspapers, Inc.	Publications	48.04
Lexington Postmaster	Annual Fee	126.00
Lexington Public Library	Petty Cash	29.00
Lexington, City of	Franchise Fees	24,692.71
Lexus	Utility Billings (Partial)	2,144.28
Mead/Big Valley Lumber	Cemetery Supplies	5.59
Municipal Clerk Institute	Training/Conference	190.00
National Waterworks	Water Supplies	-49.23
Nebraskaland Tire	Tire Repair	12.00
Olsson Associates	15 mVA Substn/Adams Elect Relocate	4,266.06
Omaha World Herald	Subscription Renewal	143.00
Petty Cash Fund	Petty Cash	16.76
Pinnacle Agency, The	Vehicle Insurance	244.00
Plum Creek Medical Group	Medical Expense	80.00
Sunmart	Food Supplies	20.13
Teel, Maryln	Electrical Rebate	900.00

TOTAL: 442,415.16

**PUBLIC COMMENT PERIOD:**

Scoutmaster Jim Doyle presented his Boy Scout Troop, who were attending the Meeting to earn various Badges. Those in attendance were Justin Sheldon, Nick Walker, Mason Veatch, Eric Casper, Matt Richardson, Austin Edeal, Nate Sheldon, Nate Richardson, and John Dillard. The Council welcomed the Scouts, and expressed their appreciation to the Scouts for attending the Meeting.

**PUBLIC HEARING:**

Mayor Fagot opened the Public Hearing. Peplitsch requested Council's consideration of a Rezoning Application by Residents on South Washington Street, Lexington, Nebraska, to Rezone Area from C-3 to R-1. Mr. Jerry Rich expressed his support of the Rezoning request to the Council. Following discussion, Mayor Fagot closed the Public Hearing.

**ORDINANCE:**

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 OR ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Klamm, seconded by Tomasek, to approve said Ordinance on First Reading. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch requested Council's approval of Pay Request No. 9 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 9 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$183,040.35. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch requested Council's approval of Pay Request No. 2 for the High Rate Anaerobic Process Equipment. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request No. 2 for the High Rate Anaerobic Process Equipment, to Biothane Corporation, in the amount of \$61,004.25. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

**CHANGE ORDER:**

Dana Daniels, representing Miller and Association, requested Council's approval of Change Order No. 1 for the Industrial Park Watermain Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Change Order No. 1 for the Industrial Park Watermain Project, to BSB Construction, in a net decrease of -\$5,651.36. 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 for the Industrial Park Watermain Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 4 (Final) for the Industrial Park Watermain Project, to BSB Construction, in the amount of \$29,840.22. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.
- CERTIFICATE:** Dana Daniels requested Council's approval of the Certificate of Substantial Completion for the Industrial Park Watermain Project. Following discussion, moved by Klamm, seconded by Salem, to approve the Certificate of Substantial Completion for the Industrial Park Watermain Project, and authorize the Mayor to sign said document. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.
- CHANGE ORDER:** Dana Daniels requested Council's approval of Change Order No. 1 for the Industrial Park Paving Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Change Order No. 1 for the Industrial Park Paving Project. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.
- PAY REQUEST:** Dana Daniels requested Council's approval of Pay Request No. 4 (Final) for the Industrial Park Paving Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 4 (Final) for the Industrial Park Paving Project, to Paulsen, Inc., in the amount of \$86,167.64. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.
- CERTIFICATE:** Dana Daniels requested Council's approval of Certificate of Substantial Completion for the Industrial Park Paving Project. Following discussion, moved by Salem, seconded by Tomasek, to approve the Certificate of Substantial Completion for the Industrial Park Paving Project, and authorize the Mayor to sign said document. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.
- FINANCIAL REPORT:** Peplitsch requested Council's approval of the Financial Report for October, 2003. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for October, 2003. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.
- FINANCIAL REPORT:** Peplitsch requested Council's approval of the Financial Report for November, 2003. Following discussion, moved by Salem, seconded by Klamm, to accept the Financial Report for November, 2003. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.
- CHANGE MEETING DATE:** Discussion was held regarding changing the January 13, 2003 Regular City Council Meeting date to accommodate the Special Election to be held on that date. Moved by Klamm, seconded by Tomasek, to change the January 13, 2003 Regular City Council Meeting date to accommodate the Special Election, to be held on Monday, January 12,

2003, at 7:30 p.m. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**EXECUTIVE SESSION:**

Moved by Salem, seconded by Klamm, to enter into Executive Session, at 7:45 p.m. for the purpose of discussing negotiations for contractual agreements. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Klamm, to reconvene Regular Session, from Executive Session, at 8:05 p.m. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

**SPECIAL MEETING DATE:**

Peplitsch requested Council set a Special Meeting Date for consideration of bids for the Municipal Wastewater Pre-Treatment Facility Project. Following discussion, moved by Cook, seconded by Klamm, to set a Special Meeting Date for December 30, 2003 at 12:00 p.m., for consideration of bids for the Municipal Wastewater Pre-Treatment Facility Project. Roll call. Voting "aye" were Salem, Tomasek, Klamm, 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