

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 27, 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. Department Heads present were 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 – 5-13-03: Minutes of the Regular Meeting that was held Tuesday, May 13, 2003 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held May 13, 2003 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$274,400.06 was 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 \$106,833.56 from the General Fund, \$19,632.02 from Housing Reuse, \$109,868.53 from LEXUS, \$21,242.86 from City Sanitation, \$1,109.86 from Landfill, \$9,400.08 from Health Fund, \$6,313.15 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
May 27, 2003

Ackerman, Arlan	OOR Program/Rehab	\$8,000.00
AFLAC	Premiums	1,063.56
All-Points Cooperative	Ground Maintenance	2,475.38
Alltel	Phone Service	181.97
Associated Supply Co. Inc.	Pool Supplies	551.70
B.P.C.M. Inc.	Collections	83.51
Berntson Oil	Fuel/Oil	21.40
Best Books	Library Supplies	19.95
Buffalo Area Grasshopper Escrow	Pest Control	400.00
Card Center	Misc Supplies	56.91

Case Credit Advantage/Orschlen's	Central Garage Supplies	117.18
Cash-Wa Distributing	Food & Supplies	3,239.13
CCP Industries, Inc.	Sewer Supplies	301.05
Central Garage	Labor/Parts/Fuel for April	4,718.30
Chesterman Co.	Beverages	1,238.00
Conney Safety Products	Police Supplies	93.32
Dawson County Court	Fees	3.00
Dawson County Handibus	Transportation	170.00
Dawson County Weed Control	Weed Removal	327.38
Demco	Library Supplies	184.47
Eakes Office Supplies	Supplies & Repair Chgs	25.27
Eilers Machine & Welding	Sewer Supplies	26.73
Electric Fixture	Electrical Supplies	165.83
Eustis Body Shop	Towing Service	50.00
Fagot Refrigeration & Electric	Electrical Svc & Repair	57.58
Farmer Brothers Coffee	Food & Supplies	47.67
Flowers of Joy	Misc Office Supplies	70.86
Fransyl Equipment Co.	Truck Repair	2,448.78
Gillette Dairy	Dairy	173.49
Glock, Inc.	Police Supplies	109.00
Harker's	Food & Supplies	736.98
Harris, Margaret	Reimbursement	100.00
Hipp Wholesale Foods, Inc	Food & Supplies	1,116.94
Lexington Lawn Care	Weed Removal	65.00
Hubbard Insulation	OOR Program/Rehab	10,056.27
Husker Ag Sales	Central Garage Supplies	109.60
I.U.S.I.	Electrical Supplies	207.84
Ingram Library Services	Library Supplies	118.96
Jim Phillips Construction	Mem. Park Cement Proj.	2,487.00
Komline-Sanderson	Sewer Supplies	756.50
Kriz-Davis Co	Transformer	7,350.90
Lesco	Ball field Conditioner	2,750.00
Lexicon Marketing Corp	Library Supplies	2,097.00
Lexington Newspapers, Inc.	Publication	52.50
Lexington Public Library	Petty Cash-Postage	63.72
Lexington True Value	Misc Supplies	568.59
Lexus	Utilities	18,779.06
Luther, Ann	Reimburse Expenses	28.80
Done-Rite Janitorial	Janitorial Service	475.00
Lexington City Payroll	Wages	77,728.34
Social Security	Soc. Sec. (Employer Port.)	5,833.80
First National Bank	Emp Pension (Emplyr Prtn)	2,657.51
American Funds	Police Pens (Emplyr Port)	0.00
I.C.M.A.	Emp Pens (Emplyr Port)	224.00
Spring Creek Embroidery	Fire Dept. Supplies	10.00
Steve's Lock & Key	Repair Locks	60.75
Maxim Technologies Inc.	Inspection/Disposal	1,806.32
McCooknet Internet Service	Internet Service	5.00
McDaniel, Christina	Reimburse Expes/Training	253.44
Mead Big Valley Lumber	Misc Supplies	401.71
Mead Rental Center	Rental Supplies	34.13
Medina, Ramon	Electrical Rebate	125.00
Micro-Marketing, LLC	Library Supplies	19.00
Mid Nebraska Printing	Misc Office Supplies	22.17
Milco Environmental Services, Inc.	Sampling/Disposal	709.86
Miller & Associates	Well #17 & #18	6,966.50

Morton, Allyn	OOB Program/Rehab	1,575.75
Nebraska Machinery	Central Garage Supplies	652.36
Nelson, Margie	Lawn Service	110.00
Northeast Community College	Training/Ed. Supplies	18.00
Olson, Dwayne	Electrical Rebate	825.00
Olsson Associates	35kV/15mva/Adams Elect Prjct	14,021.06
Overton Community Center	Rent	100.00
Paper Showcase	Certificates/Permits	32.50
Patty's Floral	Misc Office Supplies	29.57
Patty's Hallmark	Misc Office Supplies	593.04
Paulsen Inc	Gravel	625.20
Platinum Plus	Misc Supplies	1,469.38
Plum Creek Motors	Parts	51.69
Precision Industries	Sewer Supplies	19.69
S & W Auto Parts, Inc	Supplies	962.60
Sav-A-Lot	Food & Supplies	35.49
Seward, Ruth	Reimburse Education Exp	483.92
Sherman Lawn Sprinklers	Sprinkler Repair/Service	70.00
Subway	Meeting Expense	35.22
Sunmart #763/Sixth Street	Food & Supplies	187.51
T O Haas	Tire Repair and Tube	15.50
The Sporting Edge	Sports Supplies	1,903.00
Tri-City Tribune	Publication	26.00
Upstart	Library Supplies	31.00
Urbom, Eugene	Electrical Rebate	425.00
Utility Equipment	Water Supplies	693.11
Wal-Mart	Misc Supplies	781.36
Walton, Rick	Electrical Rebate	1,025.00
Wesco Distribution	Water Supplies	1,601.80
Zimmerman, Charles	Electrical Rebate	1,025.00
Alltel	Phone Service	52.91
Berntson Oil	Diesel/Gasohol	760.00
Cash-Wa Distributing	Food & Supplies	144.80
CBSA	Claims	8336.52
City of Lexington	Franchise Fees	23,759.61
Dan's Sanitation	Sanitation Service	21,242.86
Deere Credit, Inc.	Lease Payment	2,376.26
Flower of Joy	Misc Office Supplies	40.00
Gillette Dairy	Food & Supplies	113.14
Harker's	Food & Supplies	212.42
Steve's Lock & Key	Lock Repair	32.32
Holiday Inn	Training/Lodging	2,694.48
Keim, Bob	Special Waste Removal	150.00
Kriz-Davis Co.	Transformers	6,834.10
Lexington Newspapers	Publications	770.73
Maxim Technologies, Inc.	Testing/Survey	1,502.18
Miller & Associates	Retainer Services	800.00
National Waterworks	Water Supplies	2,030.42
Nebraskaland Tire	Repair	15.00
Peak Interest	Food & Supplies	208.00
Petty Cash Fund	Petty Cash Refund	59.54
Platinum Plus	Training/Education	188.15
Sav-A-Lot	Food & Supplies	45.36
Sunmart #763/Sixth Street	Food & Supplies	101.03
The Printing Press	Office Supplies	89.19

Univar USA Inc.	Chemicals	1,181.20
Wal-Mart	Office Supplies	35.48
Lieh's Drilling	Well #17 & #18 Project	37,348.20
	TOTAL	311,748.26

PUBLIC COMMENT: The City Council welcomed Ben Stewart, who is a Lexington Boy Scout in the process of earning his Citizenship in the Community Badge.

ORDINANCE: An Ordinance restricting parking in residential use areas was presented to Council for approval. Following discussion, and comments by Mike Schilling, and Joe Zerr, an Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT FRONT AND SIDE YARD PARKING IN RESIDENTIAL AREAS; TO REPEAL ORIGINAL SECTION 16-45 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before Council. Moved by Klamm, seconded by Salem, to approve Second Reading of said Ordinance. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

MUNICIPAL WELLS NO. 17 & NO. 18: Dana Daniels, representing Miller and Associates, requested Council’s approval of Pay Request No. 5 for Municipal Wells No. 17 & No. 18. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 5 in the amount of \$37,348.20 to Liehs Drilling of Lexington, Nebraska, for Municipal Wells No. 17 & No. 18. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

15 MVA SUBSTATION BID: Garrett Kline, representing Olsson Associates, requested Council’s approval of accepting bids and awarding contract for construction of 15 MVA Substation Addition. Following discussion, moved by Klamm, seconded by Salem, to accept bids and award contract for construction of the 15 MVA Substation Addition to Kayton Electric of Holdrege, Nebraska, in the amount of \$747,000, with the stipulation that Pederson Power Products supply the switchgear. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

INDUSTRIAL PARK ROAD: Daniels requested Council’s approval of the plans and specifications for Industrial Park Road Improvement Project, and authorize advertisement for bids. Following discussion, moved by Klamm, seconded by Salem, to approve the plans and specifications for the Industrial Park Road Improvement Project, and authorize advertisement for bids. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

LIBRARY BOARD REPORT: Council approval was requested for the Annual Report from the Lexington Library Board. Following discussion, moved by Salem, seconded by Tomasek, to approve the Annual Report from the Lexington Library Board. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

INTERLOCAL AGREEMENT: Councilman Cook presented the Council with the Interlocal Agreement creating the Platte River Coalition for Program Evaluations, and volunteered to serve on the Committee. Following discussion, moved by Fagot, seconded by Salem, to withdraw from the Platte River Coalition for Program Evaluations, based on the number of Municipalities participating in the program. Roll call. Voting “aye” were Klamm, Salem, Fagot. Voting “nay” were Tomasek, Cook. Motion carried.

RESOLUTION: Peplitsch requested Council approval of a resolution concurring with NDOR recommendation on low bidder for Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 03-08, naming Paulsen, Inc., Cozad, Nebraska, as low bidder on the Adams Street Viaduct Project, in the amount of \$6,774,897.65. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Resolution 03-08

WHEREAS, there has been signed by the City of Lexington on the 26th day of February, 2002, and by the State on the 7th day of March, 2002, an agreement providing for the construction of a Federal Aid Project described as follows: Urban viaduct over UPRR and US-30 on Adams Street (N-21) in Lexington, Realining Highway N-21 along 8th Street west to Ontario Street, then south to US-30.

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPN-TMT-6555(1); and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement; and

WHEREAS, the State and the City received bids for the construction of this project on May 22, 2003, at which time five bids were received for the construction of the proposed work; and

WHEREAS, the following contractor(s) has been selected as the low bidder to whom the contract(s) should be awarded: Paulsen, Inc., Cozad, NE, Grading, MSE Walls, Concrete Pavement, Culverts, Water Main & Sanitary Sewer, Bridges, Electrical and General Items. \$6,774,897.65.

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Lexington, by this resolution, takes the following action:

1. The Council hereby concurs in the selection of the above mentioned contractor(s) to whom the contract(s) should be awarded.
2. The Council does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.
3. The Council hereby authorizes the Mayor and City Clerk of Lexington to sign the construction contract on behalf of said City.

DATED THIS 27TH DAY OF MAY, 2003.

CITY OF LEXINGTON

John Fagot
Mayor

ATTEST:

Joe Peplitsch
City Clerk

FINANCIAL REPORT:

Peplitsch requested Council approve the Financial Report for April, 2003. Following discussion, moved by Salem, seconded by Tomasek, to accept the Financial Report for April, 2003 as presented. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, 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.

Lexington Deputy City Clerk