

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 22, 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 Head present was Charlie 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 – 7-8-03: Minutes of the Regular Meeting that was held Tuesday, July 8, 2003 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Klamm, to approve the Minutes of the Regular Meeting held July 8, 2003 as presented. Roll call. Voting “aye” were Cook, Salem, Klamm, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$833,202.69 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 \$132,143.45 from the General Fund, \$260,026.51 from Ed Reuse, \$8,090.00 from Housing Reuse, \$366,700.67 from LEXUS, \$21,159.64 from Sanitation, \$4,365.74 from Landfill, \$34,612.12 from Health Fund, \$6,104.56 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
July 22, 2003

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| Aflac | 125 Plan | 1,063.56 |
| Aispuro, Adelina | Survey Award | 100.00 |
| All Points Cooperative | Propane | 20.00 |
| Arrow Seeds | Grass Seed | 352.00 |
| Automotive Sales & Svc Co, Inc. | Engine | 1,468.76 |
| Avalos, Miguel | Electrical Rebate | 700.00 |
| B.P.C.M. | Collections | 161.74 |
| Barco Municipal Products | Street Supplies | 189.13 |
| Barmore's | Misc Supplies | 9.69 |
| Berntson Oil | Diesel | 225.97 |

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| Books on Tape, Inc. | Library Supplies | 54.00 |
| Spring Creek Embroidery | Printing/Shirt Service | 240.00 |
| Bottom Line/Tomorrow | Library Supplies | 39.00 |
| Bueno, Eriberto/Patricia | Survey Award | 100.00 |
| C.B.S.A. | Employee Medical Claims | 7,159.73 |
| Card Center-Orscheln | Misc Supplies | 147.29 |
| Case Credit Advantage | Central Garage Supplies | 3.90 |
| Cash Wa Distributing | Food/Supplies/Concessions | 3,712.24 |
| Central Garage Fund | Parts/Labor/Oil/Tires | 6,637.29 |
| Chesterman Co. | Beverages | 2,427.25 |
| Conney Safety Products | Safety Supplies | 133.35 |
| Coryell, Virginia | Survey Award | 100.00 |
| Dawson County Weed Control | Spraying | 2,707.74 |
| Designer Craft Woodworking | Remodel Utility Office | 14,355.12 |
| Diamond Vogel Paint | Street Supplies | 228.01 |
| Eakes Office Products | Office Supplies | 13.95 |
| Egan Supply Company | Misc Supplies | 195.02 |
| Eilers Machine & Welding | Street Supplies | 258.00 |
| Electric Fixture | Electrical Supplies | 206.75 |
| Electronic Systems | Inspection | 26.75 |
| Fagot Refrigeration & Electric | Electrical Service | 568.45 |
| Farmer Brothers Coffee | Food Supplies | 47.67 |
| Flower of Joy | Misc Office Supplies | 46.30 |
| Fyr-Tek | Testing | 193.20 |
| Gillette/Nebraska Dairies | Dairy | 298.88 |
| Gneil | Office Supplies | 81.80 |
| Gonzalez, Jose | Survey Award | 100.00 |
| H.O. Smith Co. | Title Certificates | 480.00 |
| Harker's | Food Supplies | 683.02 |
| Hipp Wholesale Foods, Inc. | Food Supplies | 626.55 |
| Holbein, Steve | Electrical Rebate | 125.00 |
| Holiday Inn | Lodging/Training | 52.00 |
| Hudson, Jasper | Survey Award | 100.00 |
| Husker Ag Sales | Mower/Misc Supplies | 1,083.91 |
| Island Supply Co., The | Oxygen/Acetylene | 370.00 |
| Jeffrey Contracting | OOR Program | 8,090.00 |
| Jensen, Chris | Electrical Rebate | 825.00 |
| Keim, Bob | Special Waste Removal | 270.00 |
| Kinder Morgan | Gas Service | 6.00 |
| Kriz-Davis Co. | Electrical Supplies | 995.21 |
| Lexington Newspapers, Inc. | Publications | 731.74 |
| Lexington Public Library | Refund Petty Cash | 62.17 |
| Lexington Truck & Auto | Central Garage Supplies | 45.00 |
| Lexington True Value | Misc Supplies | 48.45 |
| LEX CITY PAYROLL ACCNT | Wages | 103,761.88 |
| SOCIAL SECURITY | EMPLYR PORT FICA/MED | 7,825.75 |
| FIRST NATIONAL BANK | EMPLYR PORT PENSION | 2,886.56 |
| FIRST NATIONAL BANK | POLICE PENSION | 1,145.83 |
| ICMA | PEPPLITSCH PENSION | 224.00 |
| Mac's Short Stop | Food Supplies | 43.87 |
| Manager's Edge | Subscription | 110.00 |
| McCookNet Internet Service | Computer Service | 5.00 |
| McCourt, Savon | Survey Award | 100.00 |
| McDaniel, Christina | Reimb-Mileage-Training | 77.00 |
| McGinnis, Sherry | Survey Award | 100.00 |
| Mead/Big Valley Lumber | Misc Supplies | 926.40 |

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| MidPlains Holdings, LLC | CDBG/02-ED-021 | 260,026.51 |
| Midwest Laboratories, Inc. | Analysis | 1,658.00 |
| Midwest Right of Way Svcs, Inc. | Relocation/Adams St Viad | 120.00 |
| Miller & Associates | Well #17/Sth Lex Util | 4,081.06 |
| Misko Sporting Goods | Recreational Supplies | 98.23 |
| Mr. Automotive | Car Wash | 23.09 |
| Municipal Supply | Park Supplies | 181.76 |
| Ne. Dept. of HHS | Lab Tests | 150.00 |
| Nebraska Community Foundation | Membership | 1,900.00 |
| Nebraska Waste Handlers | Waste Removal | 2,993.00 |
| Nelson, Margie | Mowing Services | 85.00 |
| Norfolk Library Association | Literature Festival | 60.00 |
| Northern Safety Co., Inc. | Signage | 20.07 |
| Novak, Terry | Survey Award | 100.00 |
| Omaha World Herald | Publication | 1,201.66 |
| Overton Community Center | Rental | 100.00 |
| Patty's Hallmark | Office Supplies | 255.85 |
| Paulsen Inc. | Street Supplies | 45.23 |
| Peak Interest | Meeting Expense | 41.97 |
| Platte Valley Auto Mart | Vehicle Service | 104.41 |
| Plum Creek Telephone Systems | Phone Repair | 75.00 |
| Plum Creek Auto Spa | Car Wash | 9.00 |
| Precision Industries | Sprinkler Repair | 96.76 |
| Qwest | Phone Service | 5.00 |
| Reams Sprinkler Supply Co. | Sprinkler Repair | 602.98 |
| Recorded Books | Library Supplies | 66.10 |
| Reliable | Library Supplies | 40.37 |
| S&W Auto Parts, Inc. | Parts/Supplies | 1,050.08 |
| Sanders, Bryan | Survey Award | 100.00 |
| Schwan's | Food Supplies | 205.27 |
| Sign Pro | Cleaning Services | 24.00 |
| Smith, Larry dba D.C. Services | Lighting Service | 325.25 |
| St. Ann's Church | Electrical Rebate | 825.00 |
| Subway of Lexington | Meeting Expense | 24.68 |
| Suhr, Debra | Survey Award | 100.00 |
| Sunmart #763/Sixth Street | Food Supplies | 157.10 |
| T.O. Haas Tire Co | Tire | 24.94 |
| The Printing Press | Office Supplies | 368.64 |
| Tri-City Tribune | Subscription | 28.00 |
| Utility Equipment | Water Supplies | 2,002.79 |
| Van Diest Supply Company | Mosquito Spray | 1,286.15 |
| Wal-Mart | Misc Supplies | 499.03 |
| Wesco Distribution Inc | Electrical Supplies | 5,172.17 |
| White House Inn | Lodging | 200.00 |
| Wolf, Tracy | Reimb-Mileage/Meals | 106.92 |
| Yant Equipment Co. Inc. | Repair Pump | 285.30 |
| Zep Manufacturing Co. | Misc Supplies | 166.29 |
| Zimmerman, Kayleen | Reimb-Library Supplies | 20.67 |
| All Points Cooperative | Propane | 20.00 |
| Alltel | Phone Service | 322.28 |
| Berntson Oil | Unleaded Gas | 2,431.64 |
| Card Center-Orscheln | Misc Supplies | 53.95 |
| Cash Wa Distributing | Food Supplies | 3,834.19 |
| CBSA | Claims | 26,388.83 |
| Chesterman Co. | Beverages | 327.50 |
| Cindy's Heavenly Cookies | Food Supplies | 50.00 |

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| Dan's Sanitation | Sanitation Service | 21,159.64 |
| Delta Star, Inc. | 15 MVA Transformer | 272,391.85 |
| Egan Supply Company | Aquatic Center Supplies | 120.38 |
| Electric Fixture | Electrical Supplies | 206.04 |
| Fisher Scientific | Sewer Supplies | 443.04 |
| Fox Bros. Hay Co. Inc. | Grinding Wood Waste | 825.00 |
| Gillette Dairy | Dairy | 61.69 |
| Lawson Products, Inc. | Misc Supplies | 284.16 |
| Lesco | Diamond Pro | 2,970.00 |
| Lexington Glass Co. | Window Repair | 59.50 |
| Lexington, City of | Franchise Fees | 24,725.22 |
| Lextron Animal Health | Recreation Supplies | 33.36 |
| Lexus | Util Svc (Partial Billings) | 1,837.81 |
| Mac's Short Stop | Food Supplies | 280.58 |
| Mead/Big Valley Lumber | Misc Supplies | 9.63 |
| National League of Cities | Membership Dues | 1,224.00 |
| Nebraska Power Review Board | Power Review Bd Dues | 829.81 |
| Nebraska Softball Association | Supplies/Fees/Donations | 3,540.00 |
| Nebraska Tech & Telecomm, Inc. | Phone Service | 1,295.85 |
| Patty's Hallmark | Water Supplies | 27.35 |
| Paulsen Inc. | Concrete/Rock | 2,259.10 |
| Peak Interest | Food Supplies | 242.00 |
| Petty Cash Fund | Petty Cash | 73.68 |
| Platinum Plus for Business | Misc Supplies | 495.95 |
| S&W Auto Parts, Inc. | Fire Dept. Supplies | 39.95 |
| Sav-A-Lot | Food Supplies | 19.38 |
| Schwan's | Food Supplies | 155.82 |
| Sunmart #763/Sixth Street | Food Supplies | 190.27 |
| Wal-Mart | Misc Supplies | 37.94 |
| Wesco Distribution, Inc. | Electrical Supplies | 521.09 |
| Williams, Renee | Mileage-St Softball Tourn | 128.00 |

TOTAL \$833,202.69

PUBLIC COMMENT PERIOD:

Hap Hardesty addressed the Council stating that it was difficult to hear the Council speak during the City Council Meetings, therefore he requested the volume be turned up. Following his request, the volume was increased.

PUBLIC HEARING:

Mayor Fagot opened the public hearing. There being no one present representing 945 W. 7th Street, Pepplitsch requested Council's consideration of Assessment of Costs of Demolition on the property. There being no further discussion, Mayor Fagot closed the Public Hearing.

ORDINANCE:

An Ordinance entitled "AN ORDINANCE TO ASSESS THE COST OF DEMOLITION AND REMOVAL OF UNSAFE BUILDINGS AGAINST CERTAIN PROPERTY; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Klamm, seconded by Tomasek, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2171 on Final Reading. Roll

call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

Fagot opened the Public Hearing. Mr. Neal Hoff, representing Uncle Neal’s Country Convenience Store, requested Council’s recommendation of a Class “B” Liquor License for their Business located at 123 Pacific Street, Lexington, Nebraska. Following discussion, Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to recommend approval of a Class “B” Liquor License for Uncle Neal’s Country Convenience Store, located at 123 Pacific Street, Lexington, Nebraska. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST:

Dana Daniels, representing Miller and Associates, requested Council’s approval of Pay Request No. 2 for the Adams Street Viaduct Detour Improvement Project. Following discussion, moved by Klamm, seconded by Salem, to approve Change Order Number 3 in the amount of \$11,772.21 for the Adams Street Viaduct Detour Improvement Project. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to approve Pay Request Number 2, in the amount of \$72,656.12 to T.L. Sund Constructors, for the Adams Street Viaduct Detour Improvement Project. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch requested Council’s approval of Pay Request No. 6 (Final) for the 34.5 kV East Feeder Rebuild Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 6 (Final) for the 34.5 kV East Feeder Rebuild Project in the amount of \$25,112.43 to Kayton Electric. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

ORDINANCE:

Weinhold requested Council’s approval of an Ordinance to amend the definition of Minibikes, in accordance with State Law. Following discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-78.1 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR AMENDED DEFINITION OF MINIBIKES; TO REPEAL ORIGINAL SECTION 16-78.1, 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 suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Salem, seconded by Tomasek, to approve Ordinance Number 2172 on Final Reading. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

HOUSING AUTHORITY BOARD:

Fagot announced that the Housing Authority has a vacancy on their Board, due to Kerry Kowalski’s resignation. Mayor Fagot would like to appoint Mr. Carlos Saiz to fill this vacancy. Following discussion,

moved by Klamm, seconded by Salem, to ratify Mayor Fagot's appointment of Mr. Carlos Saiz to the Housing Authority Board. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

The Financial Report for June, 2003 was presented to Council for approval. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for June, 2003. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Peplitsch requested a date be set for a Special Session for the purpose of considering awarding bids for the High-Rate Anaerobic Treatment Equipment for the Waste Water Treatment Facility. Following discussion, July 29, 2003 at 12:00 p.m. was set as the date for this Session.

Councilmen Salem and Tomasek congratulated the City Staff on the great job they did for the 2003 Class C State Softball Tournament. Ann Luther and Doug Monter were recognized for their efforts in the event.

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