

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 12, 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, John Salem, Steve Tomasek. Councilman Rick Klamm was excused from the Meeting to attend to Family matters. City Officials present were City Manager Joe Peplitsch, 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 – 7-22-03:**

Minutes of the Regular Meeting that was held Tuesday, July 22, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held July 22, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Fagot. Motion carried.

**MINUTES – SPECIAL  
MEETING – 7-29-03:**

Minutes of the Special Meeting that was held Tuesday, July 29, 2003 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Salem, to approve the Minutes of the Special Meeting held July 29, 2003 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Fagot. Motion carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$1,276,760.73 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 \$306,547.90 from the General Fund, \$913,525.11 from LEXUS, \$10,000.00 from Sanitation, \$5,605.81 from Landfill, \$20.48 from Library Memorial, \$27,556.80 from Health Fund, \$13,503.63 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Cook, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
August 12, 2003

Alamar	Uniforms	131.00
All Points Cooperative	Misc Supplies	669.74
Alloy Specialty Contracting LLP	Paint Testing	2,125.00
Alltel	Phone Service	354.99

Arnold Pool Co.	Aquatic Supplies	38.85
Barco Municipal Products	Signs	564.55
Barmore's	Misc Supplies	213.94
Beran, Todd dba TB Lawn Service	Lawn Service	536.00
Berntson Oil	Diesel/Fuel	3,162.85
Bob's Auto Repair & Service	Misc Supplies	517.05
Brown, Harold	Tool Allotment	50.00
Card Center-Orscheln	Misc Supplies	132.12
Case Credit Advantage	Central Garage Supplies	785.61
Cash-Wa Distributing	Food & Supplies	636.40
Central Garage Fund	Labor/Parts/Oil	12,963.94
Chesterman Co.	Beverages	240.35
Computer Management Svcs, Inc.	Computer Supplies	2,005.00
Copper, Alfred	Reimbursement CDL Lic	55.00
Culligan Water Conditioning	Water Treatment	76.50
Dan's Sanitation	Sanitation Services	10,897.44
Dawson Area Development	Annual Mtg Registration	896.00
Dawson County Clerk	Dispatch Fees	7,465.94
Dawson County Handibus	Transportation	170.00
Dawson Co Public Power District	Electric Svc/Survey Exp	3,660.83
Dawson Pest Control	Pest Control	75.15
Demco	Library Supplies	113.23
Eakes Office Products	Library Supplies	294.24
Electric Fixture	Electrical Supplies	2,107.63
Electric Pump	Sewer Supplies	212.29
Environmental Pest Control	Pest Control	110.00
Fagot Refrigeration & Electric	Aquatic/WWTP Repairs	2,428.99
Fifth Street Automotive	Engine Repair	139.21
Five Points Bank	Copier Pymt	205.12
Flowers of Joy	Misc Office Supplies	50.58
Gall's Inc.	Police Supplies	28.09
Gary's Detail Shop	Car Washes	60.00
Gateway Companies, Inc.	Computers	10,103.00
Johnny on the Spot	Toilet Facility Rental	200.00
Gillette Dairy	Dairy	44.10
Gneil	Office Supplies	34.62
Gnirk Lawn Care	Lawn Care	625.00
Great Plains One-Call Service	Diggers Hotline	93.49
H.O. Smith Co.	Report of Title	80.00
Halmes, Ellen	Reimb for Library Exps	32.45
Harker's	Food & Supplies	193.54
Heusinkvelt, Sally	Reimb on mileage	134.64
Hipp Wholesale Foods, Inc	Food & Supplies	502.85
Holbein Lawn Service	Lawn Service	35.00
Steve's Lock & Key	Misc Supplies	14.00
Hometown Leasing	Copier Payment	544.60
Housing Auth-City of Lexington	Testing/Lab Fees	2,495.75
Husker Ag Sales	Central Garage Supplies	273.47
Ideals	Library Supplies	29.32
Ingram Library Svc	Library Supplies	667.63
Investment Property Exchange, Inc.	Appraisal Fee	600.00
Jim Phillips, Construction	10th St Rprs/Rec Drng Proj	11,437.00
John's Liquor & Video	Storage Rent	236.00
Jones Plumbing & Heating	Water & Sewer Supplies	565.60
Keim, Bob	Remove Freon	210.00
Kinder Morgan	Gas Service	6,974.67

Kriz-Davis Company	Electrical Supplies	3,787.54
Snap-On Tools	Tools	22.68
League of NE Municipalities	Memberships	10,337.00
Lexington Animal Clinic	Animal Care	572.70
Lex Area Chamber of Commerce	Survey Expenses	1,693.53
Lex Area Solid Waste Agency	Waste Services	1,130.76
Lexington Communications	Radio Repair	67.50
Lexington Glass Co.	Glass Replacement	120.00
Lexington Newspapers, Inc.	Publications	234.27
Lexington Postmaster	Postage/GGC	150.00
Lexington Public Library	Petty Cash Refund	65.30
Lexington True Value	Misc Supplies	263.44
Lexington, City of	Monthly & Franchise Fees	23,851.79
Lexus	Utility Billings	22,367.59
Lien Lawn Services	Lawn Service	700.00
Linweld	Oxygen	47.88
PAYROLL	Wages	109,083.67
SOCIAL SECURITY	EMPLYR PRT FICA/MED	8,232.85
FIRST NATIONAL BANK	EMPLYR PORT PNSN	3,042.65
FIRST NATIONAL BANK	POLICE PENSION	1,079.79
ICMA	PEPPLITSCH PENSION	224.00
PAYROLL	Wages	102,557.05
SOCIAL SECURITY	EMPLYR PRT FICA/MED	7,661.95
FIRST NATIONAL BANK	EMPLYR PRTN PNSN	2,955.06
FIRST NATIONAL BANK	POLICE PENSION	1,064.17
ICMA	PEPPLITSCH PENSION	224.00
Mac's Short Stop	Food & Supplies	1.98
Manufacturers' News, Inc.	Library Supplies	70.95
Mead/Big Valley Lumber	Misc Supplies	59.94
Mid-Nebraska Food Bank	Food & Supplies	89.68
Mid-Nebraska Printing	Office Supplies	67.01
Milco Environmental Services, Inc.	Dspsl/Wtr Smplg/Testing	5,605.81
Miller & Associates	Svcs/Sth Lex Util Imp/Mps	1,405.41
Mills, Barbara	Electrical Rebate	1,025.00
Monter, Doug	Mowing Fees	30.00
Moore Medical Corp.	Fire Dept. Supplies	1,240.00
Mr. Automotive	Electrical Supplies	58.79
NE. Dept. of HHS Laboratory	Analysis	160.00
Nebraska Law Enforcement	Training	30.00
Nebraska Machinery	Central Garage Supplies	433.26
Nebraska National Bank	Mail System Lease Pmt	361.56
Nebraska Public Power District	Power Purchase	685,332.86
Nebraska Tech & Telecomm, Inc. (NT&T)	Phone Service	1,348.38
Nebraska Waste Handlers	Sludge Removal	3,650.00
Nebr Volunteer Fire Fighters Trust	Insurance	896.86
Nelson, Margie	Cleaning Services	500.00
Neopost	Postage/Payment	2,005.58
Olsson Associates	Lex Adams Elect Relocate/ El Map Updates	4,875.76
Omaha World Herald	Library Supplies	35.75
Overhead Door Co. of North Platte	Door Repair	404.25
Overton Sand & Gravel	Gravel/Sand	120.00
Patty's Hallmark	Office Supplies	981.10
Paulsen's, Inc.	Concrete	824.25
Peak Interest	Food & Supplies	75.88
Platte Valley Communications	Monthly Maintenance	90.00

Plum Creek Auto Spa	Car Wash	13.50
Precision Sprinklers	Sprinkler Repair	191.44
Qwest	Phone Service	259.25
Roos, Kathleen	Reimb for mileage	134.64
S&W Auto Parts Inc	Central Garage Supplies	425.41
S.A.L.T. Group, LLC	Library Supplies	48.00
Sav-A-Lot	Food & Supplies	9.69
Schwan's Sales Ent	Food & Supplies	46.95
Sentimental Productions	Library Supplies	29.95
Service Master Mid-Nebraska	Cleaning Services	48.00
Seward, Randall	Cleaning Services	400.00
Solomon Corp	DGA Tests	810.00
Specialty Store Services, Inc.	Library Supplies	71.23
Subway of Lexington	Meeting/Lunch	17.56
Sunmart #763/Sixth Street	Food & Supplies	65.26
T.O. Haas Tire Co	Tire Repair/Supplies	628.48
TASC	125 Plan	152.00
Time	Library Supplies	61.00
Total Lawn Care	Lawn Service	1,000.00
Tri County Hospital	Wellness Program	220.00
Utility Equipment	Water Supplies	1,045.74
Vettronix, Inc.	Pager Repair	35.81
Wal-Mart	Misc Supplies	569.83
Watkins, Steven L.	Electrical Rebate	1,025.00
Wesco Distribution Inc	Electrical Supplies	3,539.88
Willard Weinhold Law Office	Lawyer Services	1,269.50
Anderson Ind Engines Co. Inc.	Central Garage Supplies	492.02
Barco Municipal Products	Water Supplies	781.51
Barmore's	Office Supplies	66.31
Barnes Distribution	Misc Supplies	289.10
Berntson Oil	Gas/Diesel	3,174.09
Broadwing Telecomm, Inc.	Phone Service	178.76
C.B.S.A.	Insurance Premiums	13,379.74
Card Center-Orscheln	Sewer Supplies	39.96
Case Credit Advantage	Park Supplies	33.29
Cash-Wa Distributing	Food Supplies	1,750.77
CBSA	Claims	27,404.80
Chesterman Co.	Beverages	9.30
Cozad Services, Inc.	Street Supplies	300.00
Culligan Water Conditioning Co.	Sewer Supplies	24.80
Dawson County Register of Deeds	Filing Fees	16.50
Diamond Vogel Paint	Street Supplies	57.05
Dutton-Lainson Company	Elect Supplies/Steel Poles	9,707.04
Eakes Office Products	Library Supplies	8.99
Eustis Body Shop	Vehicle Repair	1,384.29
Farmer Brothers Coffee	Food Supplies	71.57
Fyr-Tek	Fire Department Supplies	183.60
Gillette Dairy	Dairy	362.71
Harker's	Food Supplies	976.86
Heartland Clerk's Association	Membership Dues	10.00
Hipp Wholesale Foods, Inc.	Food Supplies	840.34
Ingram Library Services	Library Supplies	40.07
Kinder Morgan	Gas Service	6.00
Lexington Area Arts Council	Membership Dues	1,500.00
Lexington Health Fund	Self-Funding	27,005.50
Lexington Newspapers, Inc.	Publications	104.82

Lexington True Value	Electrical Supplies	27.80
Lexington, City of	Franchise Fees	8,474.01
Lieh's Drilling	Water Supplies	21.83
Mac's Short Stop	Food Supplies	5.94
Michael Todd & Co, Inc.	Street Supplies	259.68
Mid-Nebraska Printing	Gr Gen Ctr Supplies	250.30
Miller & Associates	Detour/Adams St. Viaduct/ Taft St. Paving	19,755.69
National Recreation	Membership Dues	160.00
Nebraska Dept of Revenue	Use Tax	38,772.56
Nebraska Community Foundation	Conference	100.00
Nebraska Machinery	Repair Fuel Leaks	1,220.03
Nebraskajobs.com	Library Director Ad	25.00
Overton Sand & Gravel	Gravel	35.00
Patty's Hallmark	Misc Supplies	23.77
Petty Cash Fund	Petty Cash	15.40
Platte Valley Auto Mart	Vehicle Repair	100.00
Platte Valley Communications	Service/Repair	294.91
Reams Sprinkler Supply Co.	Sprinkler/Repair	31.87
S&W Auto Parts, Inc.	Parts/Supplies	221.20
Sav-A-Lot	Food Supplies	43.84
Schwan's	Food Supplies	45.45
Sunmart #763/Sixth Street	Food Supplies	118.92
Van Diest Supply Company	Street Supplies	246.75
Wal-Mart	Misc Supplies	96.74
Wesco Distribution, Inc.	Electrical Supplies	438.54
World Chamber of Commerce Dir	Library Supplies	40.00
	<b>TOTAL</b>	<b>\$1,276,760.73</b>

**PUBLIC HEARING:**

Mayor Fagot opened the Public Hearing. Mr. and Mrs. Artemio Lopez requested Council to approve their Class "M" Liquor License for El Ganador Inc., dba El Ganador, located at 113 East 6<sup>th</sup> Street, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Salem, seconded by Tomasek, to approve the Class "M" Liquor License for El Ganador Inc., dba El Ganador, Located at 113 East 6<sup>th</sup> Street, Lexington, Nebraska. Roll call. Voting "aye" were Cook, Tomasek, Salem, Fagot. Motion carried.

**PUBLIC HEARING:**

Mayor Fagot opened the Public Hearing. Frank Hennigan requested Council to approve their Class "M" Liquor License for Lakota, Inc., dba "Lakota", located at 405 N. Washington, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Salem, seconded by Tomasek, to approve the Class "M" Liquor License for Lakota, Inc., dba "Lakota", located at 405 N. Washington, Lexington, Nebraska. Roll call. Voting "aye" were Cook, Tomasek, Salem, Fagot. Motion carried.

**CHANGE ORDER:**

Dana Daniels, representing Miller and Associates, requested Council's approval of Change Order No. 4 for the Adams Street Detour Improvement Project. Following discussion, moved by Tomasek, seconded by Salem, to approve Change Order No. 4 for the Adams Street Detour Improvement Project, to T.L. Sund with a net decrease in the amount of -\$1,175.00. Roll call. Voting "aye" were Cook, Salem, Tomasek, Fagot. Motion carried.

**PAY REQUEST:**

Daniels requested Council's approval of Pay Request No. 3 (Final) to T.L. Sund Constructors, Inc., for the Adams Street Detour Improvement Project. Following discussion, moved by Tomasek, seconded by Salem, to approve Pay Request No. 3 (Final) to T.L. Sund Constructors, Inc., for the Adams Street Detour Improvement Project in the amount of \$4,485.57. Roll call. Voting "aye" were Cook, Salem, Tomasek, Fagot. Motion carried.

**CERTIFICATE OF SUBSTANTIAL COMPLETION:**

Daniels requested Council's approval of the Certificate of Substantial Completion for the Adams Street Detour Improvement Project. Following discussion, moved by Tomasek, seconded by Salem, to approve the Certificate of Substantial Completion for the Adams Street Detour Improvement Project. Roll call. Voting "aye" were Salem, Cook, Tomasek, Fagot. Motion carried.

**SET MEETING DATE:**

Peplitsch requested Council set a Meeting date for the Budget Workshop. Following discussion, moved by Tomasek, seconded by Salem, to set the Budget Workshop Meeting date as Monday, August 18, 2003 at 12:00 p.m. Roll call. Voting "aye" were Cook, Salem, Tomasek, Fagot. Motion carried.

**RESOLUTION:**

Peplitsch requested Council's approval of a Resolution placing a moratorium on permitting Billboards, and directing the Planning Commission to study Regulations. Following discussion, moved by Cook, seconded by Tomasek, to approve Resolution Number 03-13 which places a moratorium on permitting Billboards, and directing the Planning Commission to study Regulations. Roll call. Voting "aye" were Salem, Tomasek, Cook, Fagot. Motion carried.

RESOLUTION 03-13

Whereas, the City Council finds that the unsightly appearance of off-premises advertising signs, known as "billboards," is an environmental and traffic safety issue and that public input is requested to determine whether such signs should be prohibited in all zoning districts; and

Whereas, the City Council further finds that it is not in the public interest to encourage a rash of new sign construction in anticipation of a ban on billboard advertising;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the City Manager, Zoning Officials and Building Officials of the City of Lexington are hereby directed to refuse the accept application for new construction of off-premises outdoor advertising for a period of 180 days, commencing with the date of this Resolution, and that any construction of billboards during such times is hereby barred;

BE IT FURTHER RESOLVED, that the Lexington Planning Commission is directed to hold public hearings for study of this issue and present a recommendation to the Council within 120 days of the date of this Resolution.

Passed and approved this 12<sup>th</sup> day of August, 2003.

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**EXECUTIVE SESSION:**

Moved by Salem, seconded by Tomasek, to go into Executive Session at 7:43 p.m. for the purpose of discussing Personnel. Roll call. Voting "aye" were Cook, Tomasek, Salem, Fagot. Motion carried.

Moved by Cook, seconded by Tomasek, to reconvene Regular Session from Executive Session at 8:04 p.m. Roll call. Voting "aye" were Salem, Tomasek, 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.

---

Lexington Deputy City Clerk