

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 26, 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 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 – 8:12:03: Minutes of the Regular Meeting that was held Tuesday, August 12, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held August 12, 2003 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

MINUTES – BUDGET WORKSHOP – 8-18-03: Minutes of the Budget Workshop Meeting that was held Monday, August 18, 2003 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Budget Workshop Meeting held August 18, 2003 as presented. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$409,044.88 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 \$146,174.96 from the General Fund, \$197,958.69 from LEXUS, \$21,145.64 from Sanitation, \$2,342.00 from Landfill, \$33,185.74 from Health Fund, \$8,237.85 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
August 26, 2003

Aflac	125 Plan	1,063.56
Alltel	Phone Service	115.03
Anderson Graphics	State Softball Supplies	585.00
Associated Supplies Company, Inc.	Aquatic Supplies	62.80
Barco Municipal Products	Signs/Paint	775.60

Berntson Oil	Diesel/Fuel	186.60
Board of Public Works	Labor/Lineman	587.12
BSB Construction	15 mVA Substation	15,460.00
Buchholz,John	Reimbursement CDL Lic	55.00
Burmoor, Dennis	Electrical Rebate	900.00
Business Office Systems	Maint/Mail Machine	1,216.00
Card Center-Orscheln	Misc Supplies	66.93
Case Credit Advantage	Mower/Misc Supplies	2,201.66
Cash-Wa Distributing	Food & Supplies	461.74
CBSA	Claims	13,843.16
Central Garage Fund	Labor/Parts/Oil	3,017.90
Central Nebraska Cleaners	Cleaning/Service Building	140.00
Chesterman Co.	Beverages	126.00
Computer Management Svcs, Inc.	Utility Software System	21,914.51
Dan's Sanitation	Sanitation Services	2,783.00
Dawson County Handibus	Transportation	170.00
Dawson County Public Power Dist	Electric Service	231.11
Eakes Office Products	Library Supplies	4.88
Electric Fixture	Electrical Supplies	1,266.47
Farmer Brothers Coffee	Coffee Supplies	47.67
Gary's Detail Shop	Car Washes	20.00
Gateway Companies, Inc.	Computer	1,737.00
GBC	Library Supplies	85.07
Gillette Dairy	Dairy	228.04
Hall's Safety Equipment	Electrical Equipment	146.50
Harker's	Food & Supplies	377.03
Heartland Refrigeration LLC	Repair	315.66
Hipp Wholesale Foods, Inc	Food & Supplies	1,012.06
Husker Ag Sales	Park Supplies	41.38
Husker Illustrated	Library Supplies	48.90
Ingram Library Svc	Library Supplies	55.29
Jim Phillips, Construction	Elm & Harrison Water Main Repair	951.00
Jones Plumbing & Heating	Misc Supplies	6.95
Kriz-Davis Company	Electrical Supplies	3,090.39
Lawson Products, Inc.	Electrical Supplies	85.18
Leisure Arts	Library Supplies	29.91
Lexington Communications	Radio Repair	105.00
Lexington Health Fund	Self-Funding	27,005.50
Lexington Newspapers, Inc.	Publications	216.91
Lexington Public Library	Petty Cash Refund	21.33
Lexington True Value	Misc Supplies	79.57
PAYROLL	Wages	100,205.00
SOCIAL SECURITY	EMPLYR PRT FICA/MED	7,554.92
FIRST NATIONAL BANK	EMPLYR PORT PENSION	2,947.11
FIRST NATIONAL BANK	POLICE PENSION	1,080.30
ICMA	PEPPLITSCH PENSION	224.00
Maloley, Fred	Swathing/Baling/Piling	270.00
Martin Electric	Washer/Dryer-Bunker Gear	1,967.68
McCooknet Internet Service	Spam & Virus Filtering	5.00
Mead Rental Center	Edger Blades	28.72
Mead/Big Valley Lumber	Misc Supplies	50.53
Mid-Nebraska Printing	Office Supplies	505.23
NASC	Fall Conference	100.00
National Waterworks	Water Supplies	3,995.61
Nebraska Assoc of Senior Centers	Membership Dues	40.00

Nebraska Dept of HHS	Analysis 1,	665.00
Nebraska Library Commission	Membership Dues	1,442.08
Nebraska Machinery	Central Garage Supplies	333.64
Nebraska Rural Water Association	Annual Dues	200.00
NeRPA	Registration	150.00
OCLC, Inc.	Library Supplies	369.50
Overton Community Center	Rental	100.00
Patty's Hallmark	Office Supplies	891.74
Paulsen's, Inc.	Concrete	1,330.30
Peak Interest	Meeting/Lunch	22.98
Plum Creek Motors	Central Garage Supplies	75.41
Plum Creek Promotions	State Softball Supplies	4,709.50
Precision PC	Computer/Cash Drawer	585.00
Precision Sprinklers	Sprinkler Repair	131.51
Recorded Books	Library Supplies	20.15
Rinker Materials	Sewer Supplies	911.00
S&W Auto Parts Inc	Central Garage Supplies	1,051.45
Simmerman Electric	Sewer Supplies	149.00
Subway of Lexington	Meeting/Lunch	34.53
Summit Supply Corporation	Park Supplies	2,101.00
Sunmart #763/Sixth Street	Food & Supplies	50.82
T.O. Haas Tire Co	Tire Repair/Supplies	197.18
T.R. Service	Transformer	2,995.00
Utility Equipment	Water Supplies	538.17
Vermaas, Mary	Electrical Rebate	700.00
Wal-Mart	Misc Supplies	239.01
Wesco Distribution Inc	Electrical Supplies	187.25
West Central Nebr Development	Membership Assessment	4,000.00
Berntson Oil	Diesel	31.00
Cash-Wa Distributing	Food Supplies	455.60
CBSA	Claims	18,279.02
Central Garage Fund	Labor/Parts/Oil	727.85
CMC Rescue	Fire Dept Equipment	2,399.58
Computer Management Svcs, Inc.	Utility System Hardware	13,157.00
Dan's Sanitation	Sanitation Service	21,145.64
Esquivel, Carlos	Refund/Location Fee	35.00
Eustis Body Shop	Tow/Storage	135.00
Gillette Dairy	Dairy	88.46
Harker's	Food Supplies	281.44
Ingram Library Services	Library Supplies	33.07
Invensys Metering Systems	Metering System Renewal	1,000.00
K&K Parts Co. Inc.	Electrical Supplies	106.32
Lexington Newspapers, Inc.	Publications	78.60
Lexington, City of	Franchise Fees	23,915.10
Lexington Public Library	Petty Cash Refund	17.04
Lexington True Value	Misc Supplies	17.56
Lexus	Utility Billings	25,263.98
Liehs Drilling	Well #16 Repair	13,383.56
Lowry's Cust Sewing & Upholstery	Repair	5.00
Mac's Short Stop	Food Supplies	25.44
Mead/Big Valley Lumber	Misc Supplies	411.54
National Waterworks	Water Supplies	481.50
Nebraska Machinery	Labor/Loader Frame	228.66
Nebraska Safety Council	Video	5.00
Neopost	Postage	1,500.00
Pace Analytical	Analysis Charges	2,342.00

Patty's Hallmark	Office Supplies	336.21
Petty Cash Fund	Petty Cash	13.80
Platinum Plus for Business	Misc Supplies	3,872.54
Precision PC	Computer Repair	270.00
Superintendent of Documents	Library Supplies	41.00
Univar USA Inc.	Chemicals & Supplies	254.40
Wal-Mart	Misc Supplies	68.43
Wesco Distribution, Inc.	Underground Wire/Transf	30,952.94
Wilson Bohannon Company	Park Supplies	434.92
You & The Law	Library Supplies	154.95
	TOTAL	\$409,044.88

CHANGE ORDER:

Dana Daniels, representing Miller and Associates, requested Council's approval of Change Order No. 3 for the Municipal Water Well Project. Following discussion, moved by Klamm, seconded by Salem, to approve Change Order No. 3 to Liehs Drilling, Inc. in the amount of \$5,345.73, for the Municipal Water Well Project. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST:

Daniels requested Council's approval of Final Pay Request for the Municipal Water Well Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Final Pay Request to Liehs Drilling, Inc., in the amount of \$48,288.28, for the Municipal Water Well Project. Roll call. Voting "aye" Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CERTIFICATE OF SUBSTANTIAL COMPLETION:

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

PAY REQUEST:

Daniels requested Council's approval of Pay Request No. 1 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request No. 1 to Paulsen, Inc. in the amount of \$244,436.00, for the Adams Street Viaduct Project. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CHANGE ORDER:

Daniels requested Council's approval of Change Order No. 1 for Highway 283 Intersection Improvement Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Change Order No. 1 to Paulsen, Inc. in the amount of -\$1,976.55 for Highway 283 Intersection Improvement Project. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PAY REQUEST:

Daniels requested Council's approval of Pay Request No. 1 (Final) for Highway 283 Intersection Improvement Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 1 (Final) to Paulsen, Inc. in the amount of \$5,576.42, for Highway 283 Intersection Improvement Project. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**CERTIFICATE OF
SUBSTANTIAL
COMPLETION:**

Daniels requested Council's approval of the Certificate of Substantial Completion for Highway 283 Intersection Improvement Project. Following discussion, moved by Salem, seconded by Tomasek, to approve the Certificate of Substantial Completion for Highway 283 Intersection Improvement Project. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION:

Pepplitsch requested Council's approval of a Resolution approving Supplemental Agreement #2 with the Nebraska Department of Roads for the Lexington Viaduct Fence Improvements. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution No. 03-14, approving Supplemental Agreement #2 with the Nebraska Department of Roads for Project No. STPN-TMT-6555(1), Lexington Viaduct Fence Improvements. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 03-14

WHEREAS, it is in the best interests of the City of Lexington to enter into an Agreement with the Nebraska Department of Roads for Project No. STPN-TMT-6555 (1), Lexington Viaduct Fence Improvements;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, that the President of the Council is hereby directed and authorized to execute on behalf of the City of Lexington an Agreement with the State of Nebraska Department of Roads for Project No. STPN-TMT-6555 (1), Lexington Viaduct Fence Improvements;

Passed and approved on August 26, 2003.

John Fagot, President of Council

ATTEST:

Joe Pepplitsch, City Clerk

RESOLUTION:

Mayor Fagot requested Council's approval of a Resolution setting Ambulance Fees for the Lexington Volunteer Fire and Rescue Department. Following Mayor's Fagot presentation to the Press, and discussion by Council, moved by Klamm, seconded by Tomasek, to approve Resolution No. 03-15 setting Ambulance Fees for Lexington Volunteer Fire and Rescue Department. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION 03-15

A RESOLUTION TO PROVIDE FOR ASSESSMENT OF CHARGES FOR AMBULANCE SERVICE PROVIDED WITH FIRE DEPARTMENT EQUIPMENT AND PERSONNEL; TO PROVIDE A RESTRICTED USE FOR THE NET PROCEEDS FROM SUCH CHARGES;

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS;

That commencing October 1, 2003, the City of Lexington, Nebraska will charge for ambulance service by the Lexington Volunteer Fire Department as follows:

1. The charge for transporting a patient shall be \$360.00, plus actual mileage at the rate of \$10.00 per loaded mile;
2. The charge shall apply to all calls requiring transport of a patient, whether in the City, Rural District, or Mutual Aid;
3. The City will employ the services of an independent billing agency to perform all necessary work for billing and collection of such charges; A copy of monthly accounting for billings and monthly fund accounting shall be provided to Department personnel.
4. An amount equivalent to ten percent (10%) of the net amount collected for ambulance services, not to exceed \$20,000.00 in any City fiscal year, shall be paid monthly to the Lexington Volunteer Fire Department separate account to be used for meeting and training expenses;
5. The balance of net amount collected shall be credited to a separate account to be used for the sole purpose of capital expenditures for fire and rescue equipment for the Fire Department;

Passed and approved August 26, 2003.

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

RESOLUTION:

Mayor Fagot requested Council's approval of a Resolution for Recruitment and Retention of the Lexington Volunteer Fire and Rescue Department. Following Mayor Fagot's presentation and discussion by Council, moved by Salem, seconded by Klamm, to approve Resolution No. 03-16 for Recruitment and Retention of the Lexington Volunteer Fire and Rescue Department. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

RESOLUTION 03-16

WHEREAS, the Council feels that it would be in the best interest of the City of Lexington to adopt a retirement plan for fire department members consistent with the Volunteer Emergency Responders Recruitment and Retention Act;

BE IT THEREFORE RESOLVED, by the Council and President of the Council of the City of Lexington, Nebraska as follows:

1. That the City Council hereby expresses its intention to adopt an appropriate plan to be effective for the 2003-2004 budget year; and
2. The City Manager is hereby directed to have a qualified retirement plan for volunteer fire and rescue workers prepared for consideration by the Council.

Passed and approved August 26, 2003.

John Fagot, President of the Council

ATTEST:

Shirley Lewis, Deputy City Clerk

AIRPORT BUDGET:

Peplitsch requested Council's approval of a Resolution allocating levy authority to the Lexington Airport Authority for fiscal year 2003-2004. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 03-17 allocating levy authority to the Lexington Airport Authority for fiscal year 2003-2004. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 03-17

WHEREAS, the Lexington Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$72,600.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2003-2004.

Passed and approved this 26th day of August, 2003.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

EXECUTIVE SESSION:

Moved by Salem, seconded by Klamm, to enter into Executive Session at 8:03 p.m. for the purpose of discussing purchase of land. 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 8:20 p.m. Roll call. Voting "aye" were Cook, Tomasek, Klamm, 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