

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 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/City Clerk Joe Peplitsch, City Attorney Willard Weinhold. 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 – 9-9-03:** Minutes of the Regular Meeting that was held Tuesday, September 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 September 9, 2003 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**MINUTES – BUDGET HEARING MEETING – 9-11-03:** Minutes of the Budget Hearing Meeting was held Thursday, September 11, 2003 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Budget Hearing Meeting held September 11, 2003 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$386,328.42 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 \$126,403.38 from the General Fund, \$178,439.93 from LEXUS, \$21,212.89 from Sanitation, \$53,224.38 from Health Fund, \$7,047.84 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
September 23, 2003

Aflac	125 Plan	1,063.56
Al-Sultani, Qassim	Utility Refund	0.77
Arrow Seeds	Lawn Supplies	352.00
Berntson Oil	Fuel	2,933.56

Best Books	Library Supplies	23.64
C.B.S.A	Claims	51,689.72
Card Center-Orscheln	Misc Supplies	266.30
Case Credit Advantage (Fairbanks)	Shredder	1,630.00
Cash-Wa Distributing	Food & Supplies	865.85
Chesterman Co.	Beverages	1,375.00
Cindy's Heavenly Cookies	Meeting Expense	11.90
CMC Rescue	Fire Dept Supplies	1,248.61
Community Redevelopment Auth.	TIF Pmt Wilkinson Dev. /Lot 3 Trvl Cntr	18,640.86
Commutel	Business Directory	295.00
Dan's Sanitation	Sanitation Svc/Recycling	1,293.00
Dawson Area Development	Leadership Program	300.00
Delta Star	Transformer/15 mva Substation	48,069.15
Eakes Office Products	Library Copier Payment	339.88
Electric Fixture	Electrical Supplies	53.39
Farmer Brothers Coffee	Coffee Supplies	166.91
Fisher Scientific	Sewer Supplies	419.67
Flowers of Joy	Misc Office Supplies	43.87
Gillette Dairy	Dairy	188.39
Hach Company	Testing Supplies	582.15
Harker's	Food & Supplies	708.93
Hearst Corp, The	Library Supplies	21.97
Hipp Wholesale Foods, Inc.	Food & Supplies	799.06
Husker Ag Sales	Park Supplies	23.99
Ingram Library Services	Library Supplies	79.60
Jensen, Deb	Reimbursement/Mtg Exps	15.00
Jerry's Electric	50 Kva Polemount	3,900.00
Kinder Morgan	Gas Service	6.00
Lexington Newspapers, Inc.	Publications	166.00
Lexington Postmaster	Annual Permit Fee/Postage	300.00
Lexington Public Library	Petty Cash Refund	39.85
Lexington Truck & Auto	Street Supplies	30.00
Lexington True Value	Misc Supplies	232.85
Lexington City Payroll Account	Wages	81,624.85
Social Security	Employer Port/FICA Med	6,133.54
First National Bank	Employer Portion/Pension	2,788.59
First National Bank	Police Pension	1,054.49
ICMA	Pepplitsch Pension	224.00
Martin Electric	A/C Repair	60.00
McCooknet Internet Service	Computer Service	5.00
Mid-Nebraska Food Bank	Food Bank	59.08
Miller, Kristi	Utility Refund	41.22
MPH Industries, Inc.	Police Supplies/Repairs	111.47
National Automobile Dealers	Library Supplies	58.00
National Waterworks	Water Meter	8,526.45
Nebraska Dept of HHS Laboratory	Analysis	1,276.00
Nebraska Dept. of Env Quality	Utility Refund	12.00
Nebraska Rec and Parks Assoc	Membership	50.00
Newman Traffic Signs	Street Supplies	26.41
Omnigraphics, Inc.	Library Supplies	37.55
Patty's Hallmark	Office Supplies	48.99
Paulsen's Inc.	Rock/Concrete	1,562.69
Plum Creek Auto Spa	Car Washes	26.00
Plum Creek Promotions	Shirts	132.68

Precision Industries	Park Supplies	9.98
Reutlinger, Chad	Reimbursement/Mileage	144.00
S&W Auto Parts	Misc Supplies	101.94
Subway	Meeting Expense	462.72
Sunmart	Food Supplies	10.75
T.O. Haas Tire Co	Tire Repair	202.36
Taste of Home	Library Supplies	23.98
Utility Equipment	Water Supplies	795.75
Wal-Mart	Misc Supplies	538.69
Wesco Distribution, Inc.	Electric Supplies	975.20
Alltel	Cell Phone Service	126.92
Barmore Drug Store Inc.	Fire Dept Supplies	70.45
Berntson Oil	Diesel	99.18
Burkland, D.L.	Electrical Rebate	825.00
Card Center	Sewer Supplies	451.76
Case Credit Advantage	Sewer Supplies	647.29
Cash-Wa Distributing	Food Supplies	662.13
CBSA	Claims	471.10
Computer Management Svcs, Inc.	Software Maintenance	
	/Final Installment	15,322.35
Dan's Sanitation	Sanitation Service	21,212.89
Dawson County Handibus	Transportation	170.00
Eilers Machine & Welding	General Maintenance	124.29
Electric Fixture	Electrical Supplies	989.40
Fyr-Tek	Pump Tests	750.00
Gale Group, The	Library Supplies	158.68
Gall's Inc.	Police Supplies	89.10
Geotechnical Services	Sampling/Testing/WWTP	4,995.00
Gillette Dairy	Dairy	90.62
Gnirk Lawn Care	Lawn Care	900.00
Gordon, Donald	Electrical Rebate	1,025.00
Hach Company	Sewer Supplies	53.20
Hank's Plumbing	GGC/Drain Repair	113.50
Harker's	Food Supplies	189.89
Husker Ag Sales	Central Garage Supplies	1,468.83
I.A.E.I.	Membership Dues	90.00
Ingram Library Services	Library Supplies	28.64
Jim Phillips Const.	Tennis Court	
	/Plum Creek Park	1,950.00
John's Liquor & Video	Rental Services	236.00
Kinder Morgan	Gas Service	7,359.85
Lexington Newspapers, Inc.	Publications	157.50
Lexington Public Library	Library Supplies	3.84
Lexington Public Schools	Refund to Schools	
	/Tobacco/Liquor	7,135.00
Lexington True Value	Misc Supplies	39.08
Lexington, City of	Franchise Fees	34,138.18
Lexus	Utility Billings	21,185.86
Lieh's Drilling	Pump/Repair	580.25
Luther, Ann	Reimbursement/Mtg Exps	191.64
Mead Rental Center	Rental Services	70.77
Mead/Big Valley Lumber	Park Supplies	565.86
Nebraska Municipal Clerks Assoc	Membership Dues	30.00
Nebraska State Treasurer	Unclaimed Property	12,505.78
Neopost	Postage	1,500.00
Overton Community Center	Rental Services	100.00

Patty's Hallmark	Shipping Services	9.26
Paulsen, Inc.	Concrete	115.50
Platinum Plus For Business	Misc Supplies	558.94
Plum Creek Motors	Vehicle Repair	256.38
Recorded Books	Library Supplies	64.30
S&W Auto Parts, Inc.	Water Supplies	23.99
Skarshaug Testing	Glove Testing	65.23
Telegraph	Subscription Renewal	125.25
Utility Equipment	Water Supplies	33.93
Vondras, Frank	Electrical Rebate	900.00
	<b>TOTAL:</b>	<b>386,328.42</b>

**PUBLIC COMMENT**

Jim Hains, representing the Lexington Labor Day Tennis Tournament, and the Citizens of Lexington, thanked the Council and City Administration for the new Tennis Courts installed at Plum Creek and Memorial Parks that were completed earlier this year. Thanks also went out to the City Departments for their work in the parks and recreation areas in Lexington, and appreciation was shown for the progress and chances the City is willing to take. Mr. Haines, further stated that on behalf of the Labor Day Tennis Tournament, they would like to show their thanks to the City by donating some trees to the Parks area, with the funds raised from the tournament.

Lexington Academy Project Director, Suzanne Wendorf, addressed the Council, informing them of the \$1.4 million grant they received for an After-School Program entitled "Lights On Afterschool" directed toward the benefit of the children in our community. October 9<sup>th</sup> has been declared the "Nebraska Lights on Afterschool Day", as proclaimed by Governor Johanns. Ms. Wendorf further opened an invitation to everyone to come and visit all of their sites on October 9<sup>th</sup>, from 5:00 p.m. – 6:30 p.m.

**PUBLIC HEARING:**

Peplitsch requested that Council table the Public Hearing and Resolution until the October 14, 2003 City Council Meeting. Moved by Klamm, seconded by Salem, to table the Public Hearing to consider Redevelopment Plan and Redevelopment Contract for Redevelopment Area #3, as well as, the Resolution accepting the Redevelopment Plan for Redevelopment Area #3, until the October 14, 2003 City Council Meeting. 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. 1 for Industrial Park Watermain Extension to BSB Construction, Inc. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 1 for the Industrial Park Watermain Extension Project in the amount of \$143,899.16. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Dana Daniels requested Council's approval of Pay Request No. 1 for Industrial Park Paving Project to Paulsen, Inc. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request No. 1 for the Industrial Park Paving Project to Paulsen, Inc., in the amount of

\$102,506.22. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Dana Daniels requested Council’s approval of Pay Request No. 3 for Adams Street Viaduct, to Paulsen, Inc. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 3 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$69,143.67. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**INTERNATIONAL BUILDING CODE:**

Pepplitsch requested Council approve an Ordinance adopting the 2003 International Building Code. Following discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTIONS 6-1, 6-1.3, 6-4, 6-4.1, AND 6-4.2 OF THE LEXINGTON CITY CODE; TO ADOPT THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, AND INTERNATIONAL PLUMBING CODE; TO REPEAL ORIGINAL SECTIONS 6-1, 6-1.1, 6-1.2, 6-1.3, 6-4, 6-4.1, 6-4.2, AND 6-4.4, 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 Tomasek, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Salem, to adopt Ordinance Number 2174 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**ACCOUNTS RECEIVABLE:**

Pepplitsch requested Council’s approval of removing balances from Utility Accounts that are not collectable. Following discussion, moved by Klamm, seconded by Tomasek, to approve removing balances from Utility Accounts that are not collectable as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**FINANCIAL REPORT:**

Pepplitsch requested Council’s acceptance of the Financial Report for July, 2003. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for July, 2003. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**FINANCIAL REPORT:**

Pepplitsch requested Council’s acceptance of the Financial Report for August, 2003. Following discussion, moved by Tomasek, seconded by Salem, to accept the Financial Report for August, 2003. Roll call. Voting “aye” were Cook, Klamm, Salem, Tomasek, Fagot. Motion carried.

**EXECUTIVE SESSION:**

Moved by Tomasek, seconded by Klamm, to enter into Executive Session at 7:53 p.m., for the purpose of discussing the purchase of land. Roll call. Voting “aye” were Cook, Salem, Klamm, Tomasek, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to reconvene Regular Session from Executive Session at 8:10 p.m. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
Mayor

Joe Peplitsch  
City Clerk

I, the undersigned 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.

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Lexington City Clerk