

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 9, 2004 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.

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 – 10-26-04: Minutes of the Regular Meeting scheduled for Tuesday, October 26, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Salem, to approve the Minutes of the Regular Meeting held October 26, 2004 as presented. Roll call. Voting “aye” were Cook, Klamm, Salem, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$983,955.38 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$357,892.70 from the General Fund, \$597,368.26 from LEXUS, \$10,000.00 from Sanitation, \$9,594.51 from Health Fund, \$9,099.91 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 9, 2004

Alltel	Cellphone Service	145.87
Aqua-Tonics, Inc.	Locator Repair	261.78
Awards Plus	Service Award	54.00
Barmore Drug Store, Inc.	Office Supplies	22.99
Beringer Ciaccio Dennell Mabrey	Library Project	2,520.31
Berke, Pam	Conference / Seminar	117.75
Berntson Oil	Fuel	22.00
Card Center (Orscheln)	Parts/Supplies	154.44
Case Credit Advantage	Equipment Supplies	56.65
Cash-Wa	Food & Supplies	579.76
Central Community College	CPR Class / D.Glaze	45.00
Central Garage	Maint./Repairs	6,851.30

Civic Center Microtel Inn & Suites	Fire Dept. Annual Mtg	1,266.50
Corporate Benefit Svcs of America	Claims	6,954.28
Corporate Benefit Svcs of America	Premiums	15,533.71
Culligan Water Conditioning Co.	Water Service	164.88
D & R Computing	Software Repair	238.95
Dan's Sanitation	Sanitation Fees	10,817.44
Dawson County Clerk	Dispatch Fees	6,360.16
Dawson County Register of Deeds	Filing Fees	51.00
Dawson Pest Control	Bldg. Maintenance	72.00
DeBruce Grain	Street Supplies	608.57
Depository Trust Co.	2002 Utility Bond Pmt	141,845.00
Ebsco Subscription Service	Books	1,523.35
Electric Fixture	Electric Supplies	1,119.49
Environmental Pest Control	Bldg. Maintenance	30.00
Farmer Brothers Coffee	Food	152.32
Fisher Scientific	Testing Supplies	9.50
Fransyl Equipment Co.	Supplies	422.67
Gall's Inc.	Equipment Supplies	46.38
Gengenbach, Kevin	Rental	220.00
Graphic Arts Shop	Office Supplies	670.00
Great Plains One-Call Service	Locates	58.83
Harker's	Food	119.61
Hipp Wholesale Foods, Inc.	Food & Supplies	677.50
Hometown Leasing	Copier Lease	697.04
Hunt Cleaners, Inc.	Gloves	374.28
Ingram Library Services	Books	124.23
International Code Council	Books	159.99
Jensen, Deb	Conference / Seminar	24.50
Johnson Jewelry, Inc.	Service Award	119.49
Jones Plumbing & Heating	Supplies / Repair	2,844.04
Kayton Electric, Inc.	Reconductor / Grafton	27,405.00
Kemps-Gillette	Beverages	267.42
Kriz-Davis Company	Electric Supplies	2,859.89
Lexington Animal Clinic	Animal Care	566.80
Lex Area Solid Waste Agency	Landfill	1,179.00
Lexington Health Fund	Self-funding	25,975.50
Lexington Newspapers, Inc.	Advertising / Publications	392.87
Lexington Postmaster	Postage	150.00
Lexington True Value	Supplies	102.27
Lexington, City of	Service Fees	31,039.43
Lexington City Payroll Account	Wages	84,299.96
Social Security	Employer Port/FICA Med	6,339.28
First National Bank	Employer Portion/Pension	2,911.43
First National Bank	Police Pension	1,110.93
ICMA	City Manager Pension	231.84
LexisNexis Matthew Bender	Book	42.45
Linda's Stitches & Creations	Shirts	2,051.46
Little Caesars	Food	17.24
Marlin Leasing Corp.	Mail Machine Pmt.	570.16
Matt Friend Truck Equipment	Supplies	157.15
Mead Rental Center	Saw Repair	19.50
Mead/Big Valley Lumber	Maintenance Supplies	770.31
Mid Con Systems, Inc.	Supplies	233.76
Mid-Nebraska Food Bank	Food	91.42
Mid-Nebraska Printing	Office Supplies	149.20
Mid-States Units	Rental	6,555.00

Miller & Associates	Retainer Services/WWTP/ Adams St.Paving/Viad	49,834.03
Moore Medical Corp.	Ambulance Supplies	691.68
Municipal Emergency Services	Fire Dept. Supplies	128.18
Municipal Supply	Water Supplies	533.11
Nebraska Dept of Env Quality	Certificate Renewal	150.00
Nebraska Library Commission	OCLC / Membership	34.94
Nebraska Life	Subscription	19.00
NE Mosquito & Vector Cont Assn.	Dues	30.00
Nebraska Public Power District	Power Purchase	390,282.74
NE Truck & Equipment Co.,Inc.	Truck Repairs	761.27
Nebraska Waste Handlers	Sludge Removal	3,832.50
Nelson, Margie L.	Cleaning Service	500.00
Nelson, Thomas R.	Conference / Seminars	54.00
Neopost	Postage	1,500.00
Overton Sand & Gravel	Gravel	52.50
Oxmoor House	Books	64.82
Paulsen Inc.	Gravel	705.11
Penworthy Company	Books	821.13
Peplitsch, Joe	Conference / Seminars	305.86
Pinnacle Bank	WWTP Land Payment	16,741.77
Platte Valley Auto Mart	Repairs	61.80
Platte Valley Communications	Maintenance/Radio Repair	4,111.31
Quill Corporation	Office Supplies	51.61
Qwest	Phone Service	61.54
Sa-So Public Safety 2004	Supplies	253.85
Seward, Randell D.	Cleaning Service	400.00
Showcases	Office Supplies	87.65
Skyline Publishing	Books	67.38
Solomon Corporation	DGA Tests	40.00
Steve's Lock & Key	Lock Repair	40.00
Subway of Lexington	Food	30.73
SunMart #763/Sixth Street	Food	7.47
TASC	Flex Plan Admin.	144.00
Team Detail & Quicklube	Car Wash	20.00
TierOne-Lib. Petty Cash	Petty Cash	4.45
Total Lawn Care	Lawn Service	1,363.00
Tri-City Tribune	Subscription / Publication	262.00
Tri-County Hospital	Wellness	396.00
U-Save Business Equipment	Office Supplies	221.54
Utility Equipment	Water Supplies/Parts	841.42
Veterans Club	Volunteer Recognition	1,125.00
Wal-Mart	Supplies	294.45
Walker Roofing Company, Inc.	Library Repair	255.25
Ward Laboratories	Water Test	36.00
Wesco Distribution, Inc.	Electric Supplies	802.50
Willard Weinhold Law Office	Attorney Fees	1,279.00
Associated Pool Builders, Inc.	Winterize Pool	6,990.28
Barmore Drug Store, Inc.	Supplies	2.66
Becerra, Liandro	Electric Rebate	425.00
Berntson Oil	Fuel	4,251.78
Bob's Auto Repair & Service	Vehicle Repair	424.80
Business & Professional Credit	Collection Fees	15.12
Cadwell, Charles	Electric Rebate	425.00
Card Center	Supplies	14.49
Case Credit Advantage	Equipment Repairs	68.40

Cash-Wa Distributing	Food & Supplies	885.74
Central Garage	Maint./Repairs	3,995.48
Centurion Technologies, Inc	Computer Supplies	57.40
Corporate Benefit Svcs of America	Claims	2,496.23
Dawson County Handibus	Transportation	104.00
Dawson County Public Power	Utility Expense	6,737.23
Demco	Books	77.67
Dutton-Lainson Company	Electric Supplies	570.71
EMS Billing Services, Inc.	Ambulance Billing	1,955.14
Eilers Machine & Welding	Equipment Repairs	64.20
Electric Fixture	Electric Supplies	96.87
Farmer Brothers Coffee	Food	132.57
Follett Software Company	Software Supplies	480.00
Fransyl Equipment Company	Supplies	803.61
Gempler's, Inc.	Uniform Expense	109.40
Harker's	Food	364.01
Ingram Library Services	Books	48.73
Johnson, Glenn	Electric Rebate	1,025.00
Kemps-Gillette	Beverages	59.70
Kinder Morgan	Utility Expense	1,895.58
Lexington Newspapers, Inc.	Advertising	496.18
Lexington True Value	Supplies	55.30
Lien Lawn Services	Lawn Service	67.28
Linweld	Oxygen Supplies	72.96
Medicaid	Ambulance Fees	35.12
Michael Todd & Company, Inc.	Equipment Supplies	608.44
Micro-Marketing, LLC	Books	44.10
Mulligan, Garry	Electric Rebate	1,025.00
Mr. Automotive	Supplies	89.89
Nebraska Department of Revenue	Sales & Use Tax	29,689.01
Nebraska Tech & Telecomm, Inc.	Phone Service	1,286.15
Ortiz, Reynaldo	Electric Rebate	425.00
Palacios, Daniel	Ambulance Fee Refund	2.00
Physicians' Desk Reference	Book	59.95
Platinum Plus For Business	Conference/Seminars	86.81
Platte Valley Auto Mart	Equipment Repairs	267.46
Plum Creek Bank	Final Fire Truck Payment	19,965.30
Recorded Books	Books	279.00
Save-A-Lot Discount Foods	Food	9.98
S & W Auto Parts, Inc.	Supplies	733.20
TierOne Bank	Interim Financing Interest	14,301.18
TierOne-City Petty Cash	Petty Cash	26.40
Tierone-Library Petty Cash	Petty Cash	22.95
Wesco	Electric Supplies	802.50
	TOTAL:	983,955.38

ORDINANCE:

Pepplichtsch requested Council's approval of an Ordinance to rezone property located at 720 E. 6th Street, from M-2 to M-1. Following discussion, an Ordinance entitled "AN ORDINANCE TO REZONE THE WEST 260 FEET OF THE EAST 370 FEET OF THE NORTH 140 FEET, OF LOT 10, TRACT D OF THE SUBDIVISION OF SECTION 5-9-21 IN THE CITY OF LEXINGTON, FROM M-2 HEAVY INDUSTRIAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; 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 Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem to approve Ordinance No. 2190 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested Council’s approval of Pay Request No. 2 for the Lexington Library Project. Following discussion, moved by Tomasek, seconded by Klamm, to approve Pay Request No. 2 for the Lexington Library Project, to Lacy Construction Co., in the amount of \$69,172.19. Roll call. Voting “aye” were Salem, Cook, Klamm, Tomasek, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested Council’s approval of Pay Request No. 8 for the Municipal Wastewater Pretreatment Facility. Following discussion, moved by Klamm, seconded by Tomasek, to approve Pay Request No. 8 for the Municipal Wastewater Pretreatment Facility, to Wanzek Construction Inc., in the amount of \$98,961.53. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

CHANGE ORDER: Peplitsch requested Council’s approval of Change Order No. 10 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Change Order No. 10 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$957.78. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CHANGE ORDER: Peplitsch requested Council’s approval of Change Order No. 11 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve Change Order No. 11 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$11,184.00. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

CHANGE ORDER: Peplitsch requested Council’s approval of Change Order No. 12 for the Adams Street Viaduct Project. Following discussion, moved by Klamm, seconded by Salem, to approve Change Order No. 12 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$822.15. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST: Peplitsch requested Council’s approval of Pay Request No. 28 for the Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 28 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$62,293.80. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

ORDINANCE: Peplitsch requested Council’s approval of an Ordinance to change days for Street Cleaning. Following discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTION 16-86 OF THE

LEXINGTON CITY CODE; TO CHANGE DAYS FOR STREET CLEANING; TO REPEAL ORIGINAL SECTION 16-86, 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 Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Salem, to approve Ordinance No. 2191 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

MEETING DATE:

Discussion was held regarding setting a time for the Reorganization of the Lexington City Council, which is scheduled for Tuesday, December 7, 2004. Following discussion, moved by Tomasek, seconded by Salem, to set 7:30 p.m. as the time for the Reorganization of the Lexington City Council, on Tuesday, December 7, 2004. Roll call. Voting “aye” were Klamm, Cook, Salem, Tomasek, Fagot. Motion carried.

ADJOURNMENT:

There being no further business to come before 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.

Deputy City Clerk