

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 10, 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. Department Heads present were Charles Clark and 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 – BUDGET WORKSHOP – 07-27-04: Minutes of the Budget Workshop scheduled for Tuesday, July 27, 2004 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Budget Workshop held July 27, 2004 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

MINUTES – REGULAR MEETING – 07-27-04: Minutes of the Regular Meeting scheduled for Tuesday, July 27, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Salem, to approve the Minutes of the Regular Meeting held July 27, 2004 as presented. Roll call. Voting “aye” were Klamm, Cook, Salem, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,078,893.90 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$224,957.99 from the General Fund, \$779,937.45 from LEXUS, \$10,000.00 from Sanitation, \$63.09 from Library Memorial, \$53,333.55 from Health Fund, \$10,601.82 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Klamm, Salem, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 10, 2004

Alamar Uniform Company	Shirts & Pants	270.96
All Points Cooperative	Propane/Fuel	364.96
Ampride	Meeting Expense	26.78
Arnold Pool	Pool Vacuum Supplies	21.50
Barco Municipal Products	Water Supplies	102.26
Barmore Drug	Office Supplies	34.15

Barnes Distribution	Electric Supplies	237.77
Berntson Oil	Fuel	3,153.60
Bob's Auto Repair & Service	Vehicle Repair	394.28
Card Center (Orscheln)	Park Supplies	108.44
Case Credit Advantage	Repair Parts	88.80
Cash-Wa	Food & Supplies	130.35
CBS Constructors	Park Supplies	210.00
Center Point Publishing	Books	120.53
Central Fire & Safety, Inc.	Extinguisher Maint.	47.00
Central Garage	Maint./Repairs	10,943.75
Central Tire & Tread	Tire Repair	36.80
Corporate Benefit Svcs of America	Claims	51,657.86
Corporate Benefit Svcs of America	Premiums	14,724.32
Country Brooks	Book	23.98
Culligan Water Conditioning Co.	Water Service	130.73
D & R Computing	Office Supplies	49.99
Dan's Sanitation	Sanitation Fees	12,724.44
Dawson County Clerk	Dispatch Fees	6,360.16
Demco	Library Supplies	457.18
Electric Fixture	Electric Supplies	2,649.03
Eustis Body Shop	Vehicle Repair	4,974.04
Fastenal	Supplies	20.58
Fox, Seymore	Electric Rebate	1,025.00
FYR-TEK	Fire Truck Repair/Maint.	4,397.24
Gale Group	Books	158.68
Gallery Collection, The	Cards	164.08
Gengenbach, Kevin	Rental	220.00
Gonzalez, Jose	Electric Rebate	900.00
Hearst Corporation, The	Subscription	10.00
Hernandez, Francisco	Refund	25.00
Hometown Leasing	Copier Lease	697.04
Ingram Library Services	Books	1,125.11
Jim Phillips Construction	Repair Ball Field Fence	1,781.00
Jones Plumbing & Heating	Supplies	158.99
Kayton Electric, Inc.	Light Pole Repair	8,121.59
Knapp Electric	Pool Repairs	1,479.05
Kriz-Davis Company	Electric Supplies	989.83
Ladies' Home Journal	Subscription	17.90
Lexington Animal Clinic	Animal Care	417.00
Lex Area Solid Waste Agency	Special Waste Expense	1,973.19
Lexington Glass Company	Repair	103.50
Lexington Newspapers	Publications	436.26
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash	12.11
Lexington True Value	Supplies	235.45
Lexington, City of	Service Fees	20,396.27
Lexington City Payroll Account	Wages	107,110.43
Social Security	Employer Port/FICA Med	8,083.40
First National Bank	Employer Portion/Pension	2,912.58
First National Bank	Police Pension	1,154.89
ICMA	City Manager Pension	231.84
Manager's Edge	Subscription	116.00
Marlin Leasing Corp.	Mail Machine Payment	570.16
Mead/Big Valley Lumber	Maintenance Supplies	55.45
Michael Todd & Co., Inc.	Water Supplies	158.92
Mid-Nebraska Printing	Office Supplies	1,038.84

National Waterworks	Water Supplies	1,695.82
Nebraska Dept of HHS Laboratory	Water Analysis	663.00
Nebraska Public Power District	Power Purchase	622,603.41
Nebraska Waste Handlers	Sludge Removal	4,818.00
Nebraskaland Tire	Tire Repair	10.00
Nelson, Margie L.	Cleaning Service	500.00
Nelson, Thomas R.	Travel Expense	48.75
Newman Traffic Signs	Stop Signs	379.00
Nichols, Charles II	CDL	55.00
OMB Police Supplies	Supplies	499.99
Overton Sand & Gravel	Gravel	35.00
Paulsen Inc.	Concrete	259.03
Plum Creek Auto Spa	Car Wash	20.00
Plum Creek Cleaners	Cleaning Service	270.50
Precision Sprinklers	Repair	68.95
Price's Tree Service	Tree Removal	2,075.00
Qwest	Library Phone Expense	61.72
S & W Auto Parts, Inc.	Central Garage Supplies	577.93
Seward, Randell	Cleaning Service	400.00
Statler, Angela	Floor Buffer	350.00
T.O. Haas Tire Company, Inc.	Tires/ Repair	146.48
Tobias, Hugo	Electric Rebate	1,025.00
Total Lawn Care	Lawn Care	1,072.00
Tri-City Tribune	Publication	140.00
Tri-County Hospital	Wellness	714.16
U-Save Business Equipment	Office Supplies	514.82
Util. Section-League of NE Munic.	Membership Dues	1,190.00
Wal-Mart	Supplies	305.33
Weathercraft Company	Door Repair	221.82
Wesco Distribution, Inc.	Shirts	992.40
Willard Weinhold Law Office	Fees	2,087.92
Alamar Uniform Company	Uniform Expense	326.09
Alltel	Cellphone Service	210.02
Beringer Ciaccio Dennell Mabrey	Library Project	25,602.32
Careertrack	Education/Training	118.00
Cash-Wa Distributing	Food & Supplies	1,779.16
Central Tire & Tread	Tire Repair	11.50
Children's Library Resources	Books	120.96
Coca Cola/Dr Pepper of Kearney	Beverages	724.00
Collegiate Pacific	Ball Field Supplies	84.25
Corporate Benefit Svcs of America	Claims	1,578.59
Culligan Water Conditioning Co.	Water Service	53.50
Dawson County Public Power	Electricity	7,367.78
Dawson County Register of Deeds	Filing Fees	36.00
Dawson County Sheriff	Small Claims Filing Fees	30.00
Dawson Pest Control	Bldg. Maintenance	27.00
Demco	Library Supplies	116.69
Dunrite, Inc.	Maintenance Supplies	149.98
Eakes Office Products	Office Supplies	7.93
Electric Fixture	Electric Supplies	1.50
Fagot Refrigeration & Electric	Maintenance/Repair	423.40
Follett Software Company	Library Scanner/Stand	669.95
Gall's Inc.	Uniform Expense	15.47
Gillette Dairy	Dairy Supplies	460.68
G Neil	Office Supplies	38.87
Great Plains One-Call Service	Locates	129.98

Harker's	Food	1,021.20
Hipp Wholesale Foods, Inc.	Food & Supplies	947.18
Husker Illustrated	Subscription	53.90
Ingram Library Services	Books	43.80
Jones Plumbing & Heating	Sprinkler Repair	223.71
Kinder Morgan	Natural Gas Service	5,139.68
Kriz-Davis Company	Electric Supplies	8,830.72
Krzycki, Kirt	Repairs	267.50
Lex Area Chamber of Commerce	Rural Initiative Project	1,334.00
Lexington Health Fund	Self-Funding	50,700.00
Lexington Public Library	Petty Cash	32.50
Lexington True Value	Maintenance Supplies	27.90
Liehs Drilling	Relocate Well	7,537.05
Lien Lawn Services	Lawn Service	700.00
Mac's Short Stop	Food/Supplies	124.58
Micro-Marketing, LLC	Books	75.80
Mid-State Engineering & Testing	Cylinders/WWTP Project	31.00
National Waterworks	Water Supplies	1,676.07
Nebraska Department Of Revenue	Sales Tax	35,822.79
Nebr Tech & Telecomm, Inc.	Telephone Service	1,428.77
Omaha World Herald	Publication Expense	398.03
Petty Cash Fund	Petty Cash	56.18
Precision Sprinklers	Sprinkler Repair/ Ball Field & Pool	841.90
Recorded Books	Books	135.60
Save-A-Lot Discount Foods	Food & Supplies	42.13
Schwan's Sales Ent	Food	80.93
SunMart	Food	65.81
U-Save Business Equipment	Office Supplies	90.94
Viking Office Products	Office Supplies	39.18
W P C I	Drug Test	27.10
Wal-Mart	Supplies	284.32
Wesco Distribution, Inc.	Electric Supplies	343.47
Zep Manufacturing Company	Cleaning Supplies	94.47
	TOTAL:	1,078,893.90

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Juan and Hilda Rodriguez, through their translator, requested Council's recommendation of approval of a Class "D" Liquor License for Rodriguez Restaurant, Inc., dba "Jalisco Liquor Store". Police Chief Clark addressed the Council expressing his concerns and opposition to the application in regard to their current Liquor License for Premier Nightclub. Following Chief Clark's statement, Mr. And Mrs. Rodriguez addressed each of his concerns. Mayor Fagot closed the Public Hearing. Moved by Cook, seconded by Tomasek, to recommend denial of a Class "D" Liquor License for Rodriguez Restaurant, Inc., dba "Jalisco Liquor Store", located at 101 Cattlemen Drive, Lexington, NE 68850, for the following reasons: 1. Liquor License Application was incomplete; 2. Past history of licensee; 3. Unlawful behavior is not being reported to local police department. Roll call. Voting "aye" were Salem, Tomasek, Cook, Fagot. Voting "nay" was Klamm. Motion carried.

RESOLUTION:

Peplitsch requested Council's approval of a Resolution directing and authorizing the City to execute a deed conveying property to NE Colorado Cellular, Inc., dba Viero Wireless. Following discussion,

Resolution was read before Council. Moved by Salem, seconded by Klamm, to approve Resolution No. 04-16 directing and authorizing the City to execute a deed conveying property to NE Colorado Cellular, Inc., dba Viaero Wireless. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

RESOLUTION NO. 04-16

WHEREAS, the City has by Ordinance No. 2182, approved the sale of the following described real estate owned by the City, to wit:

Lot 1, South Railroad Subdivision to the City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to NE COLORADO CELLULAR, Inc., D/B/A/ VIAERO WIRELESS, the purchaser thereof.

PASSED AND APPROVED this 10th day of August, 2004.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request #22 for Lexington Viaduct Project. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request #22 for Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$216,241.60. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request #11 for 15 MVA Substation Addition Project. Following discussion, moved by Klamm, seconded by Salem, to approve Pay Request #11 (Final) from Kayton Electric, Inc., for the 15 MVA Substation Addition Project, in the amount of \$37,642.80. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST:

Peplitsch requested Council's approval of Pay Request #5 for the Municipal Wastewater Pretreatment Facility. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request #5 for the Municipal Wastewater Pretreatment Facility, from Wanzek Construction, Inc., in the amount of \$293,848.31. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

**CONSULTING
AGREEMENT:**

Peplitsch requested Council's approval of an agreement for consulting services for the Lexington Comprehensive Plan and Long Range Transportation Plan for 2005. Following discussion, moved by Klamm, seconded by Salem, to approve an agreement with HWS Consulting Group for consulting services for the Lexington Comprehensive Plan and Long Range Transportation Plan 2005, and authorize Administration to execute said agreement. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

FUND TRANSFER:

Peplitsch requested Council's approve of a fund transfer from the Economic Development Sales Tax Fund, to the General Fund, for matching funds associated with the Industrial Road Improvement Project. Following discussion, moved by Klamm, seconded by Salem, to approve a fund transfer from the Economic Development Sales Tax Fund, to the General Fund, in the amount of \$151,775 for matching funds associated with the Industrial Road Improvement Project. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PROJECT EVALUATION:

Peplitsch requested suggestions from Council on development topics to be reviewed by the Community Development Advisory Board. Following discussion, moved by Klamm, seconded by Salem, to forward on to the CDAB the following topics for their review: housing development issues, park space and trail system development, educating community on TIF financing, comprehensive planning and participation, and local development roadblocks. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Following discussion, the next Budget Workshop was scheduled for Tuesday, August 24, 2004 at 6:00 p.m.

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