

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 23, 2000 at the Lexington Municipal Building, 406 East 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, John Wightman, Ted Cook, Neal Kohl. Council Person Rick Klamm was absent. City Officials present were City Manager Joe Pepplichtsch, City Attorney Willard Weinhold, and Deputy City Clerk Shirley Lewis. Department Heads present were Barb Mills, Ruth Seward. Representing Miller and Associates were Bob Blankenship, Dana Daniels, and Stan Johnson. Citizens in attendance were Greg Lauby, Juan and Hilda Rodriguez, and other citizens with an interest in Agenda Items. The Press was represented by KRVN, Clipper-Herald, Tri-City Tribune, and Kearney Hub.

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 – 5-10-00: Minutes of the Regular Meeting held Wednesday, May 10, 2000 was presented for Council’s consideration and approval. Moved by Wightman, seconded by Klamm, to approve the Minutes of the Regular Meeting held May 10, 2000 as presented. Roll call. Voting “aye” were Cook, Kohl, Wightman, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$369,226.76 was presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Kohl, seconded by Wightman, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$230,408.26 from the General Fund, \$100,539.70 from the LEXUS Fund, \$21,195.75 from City Sanitation, \$2,130.34 from the Landfill Fund, \$7,812.63 from the Health Fund, and \$7,140.08 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Wightman, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
MAY 23, 2000 COUNCIL

AFLAC	CANCER PREMIUM	\$704.18
ALLTEL	CELLULAR CHARGES	126.35
AM LIBR PREVIEW	LIBRARY SUPPLIES	203.02
ARBOR DAY FARMS	T-SHIRTS	114.32
ASSOC SUPPLY CO	POOL CHEMICALS & SUPPLIES	6,525.90
AXIS CAPITAL, INC.	POSTAGE MACHINE LEASE	283.31
BARCO MUNIC PROD	SEWER SUPPLIES	1,295.34
BARMORE'S	ELECTRIC SUPPLIES	10.63
BERNTSON OIL	FUEL EXPENSE	1,908.37
BRICKER, VANCE	MILEAGE REIMBURSEMENT	177.32
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	6,249.67
CASH-WA	FOOD & SUPPLIES	2,438.44

CHURCHICH REC DESIGN	PARK SUPPLIES	2,790.12
COAST TO COAST	FIRE EQUIP SUPPLIES	8.95
DAWSON AREA DEV	INDUSTRY APPRECIATION DINNER	150.00
DAW CO REGIS-DEEDS	EASEMENT FILING	10.50
DAW CO WEED CONTROL	SAIL STERILANT	478.80
DAYS INN-HASTINGS	LODGING/BLIVEN/YOUNG	111.40
DEPOSITORY TRUST CO	1996 GO BOND PYMT	137,246.25
EAKES OFC SUPPLIES	LIBRARY SUPPLIES	67.92
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	164.77
ESPN MAGAZINE	SUBSCRIPTION	19.97
FAGOT REFRIG & ELEC	MAINTENANCE/ELECTRIC REBATE	4,036.52
FLOOR SHINE	CLEAN FLOORS FIRE HALL	450.00
FYR-TEK	FIRE TRUCK EQUIPMENT	5,076.90
GALL'S INC	HANDCUFFS	33.98
GILLETTE/NE DAIRIES INC	DAIRY FOR GGC	343.11
GLAZE CREATIONS	REPAIRS-COUNCIL CABINET	20.00
GROLIER PUB CO., INC	LIBRARY BOOKS	447.67
HAAS TIRE CO INC	TIRE REPAIR	207.80
HACH COMPANY	LAB SUPPLIES	38.80
HIPP WHLSL FDS INC	FOOD & SUPPLIES	1,277.35
HOLIDAY TRVL & CRS	SEWARD/LODGING/TUCSON	350.04
HUSKER AG SALES	CENTRAL GARAGE SUPPLIES	125.89
INGRAM LIBRARY SVCS	LIBRARY BOOKS	495.07
INT TRANSFORMER CO	TRANSFORMER REPAIR	1,785.12
JELCO CARPET CLNG	CLEAN CAREPTS - SVC BLDG	135.00
JUNIOR LIBRARY GUILD	SUBSCRIPTION	274.80
JURGENS, DIANNE	REIMBURSEMENT	11.83
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	711.06
LEAGUE-NE MUNIC	ANNUAL CONF/MEALS	78.00
LASWA	LOAD SCREENINGS	55.80
LEXINGTON COOP	CAR WASH & PROPANE	21.50
LEX PUBLIC LIBRARY	REPLENISH PETTY CASH	56.96
LEX PAYROLL ACCNT	WAGES	77,036.25
SOCIAL SECURITY	EMPLOYER PORTION FICA/MED	5,816.73
FIRST NAT BANK	EMPLOYER PORTION PENSION	2,353.35
AMERICAN FUNDS	POLICE PENSION	1,046.18
ICMA	PEPLITSCH PENSION	141.51
LIEHS DRILLING	MARCH SERVICES	1,711.04
LINDEN'S PLUMBING	REPAIRS	49.49
LUCENT TECHNOLOGIES	QUARTERLY LEASE	95.22
MCCLAIN, DON	LAWN MOWING-ABATEMENT	75.00
MEAD/BIG VLY LUMBER	MISC SUPPLIES	1,582.03
MEWIS, KEITH	TREE ROOT FEEDING	285.00
MEYER, GALEN	ELECTRIC REBATE	200.00
MICRO-MARKETING LLC	LIBR SUPPLIES	15.36
MID-NE FOOD BANK	GGC SUPPLIES	48.08
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	2,992.72
MILLS, BARBARA	MILEAGE REIMBURSEMENT	74.40
MISCO SPORTING GOODS	BASEBALLS SUPPLIES	495.71
MRS PR & OFC SUPPLIES OFFICE	SUPPLIES	1,014.89
NE DEPT OF HHS LAB	POLICE TESTS	55.00
NE MUNIC CLERKS ASSN CLERKS	REF MANUAL	25.00
NEWMAN TRAFFIC SIGNS	BRADY LETTERS	98.20
OSBORNE, CYNDI	LAWN MOWING-ABATEMENT	50.00
PAPER SHOWCASE	OFFICE SUPPLIES	26.90
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	168.86

PAULSEN INC	CONCRETE	237.18
PINSKY, LUCILLE	ELECTRIC REBATE	1,100.00
PLT VALLEY AUTO MART	2000 CHEVY PICKUP/ELECTRIC	20,963.00
QUALITY STORES INC	MISC SUPPLIES	433.16
RECORDED BOOKS	LIBRARY BOOKS	14.50
REFORMA	CONF REGIS/SEWARD	215.00
RENT ALL RENTALS	SPRAYER RENTAL	9.00
S & W AUTO PARTS, INC	CENTRAL GARAGE/ELECT SUPPLIES	184.78
SHOE MART	MTR READER SUPPLIES	43.00
TASTE OF HOME	LIBRARY SUPPLIES	17.45
TOP HEALTH	SUBSCRIPTION	65.95
U S FILTER DISTRIB GRP	WTR SPLS	70.45
U -SAVE FOODS	GROCERIES	44.53
US NEWS & WORLD RPRT	SUBSCRIPTION	22.50
UTILITY EQUIPMENT	WATER SUPPLIES	1,281.11
VN WTRS & ROGERS INC	POOL CHEMICALS & SUPPLIES	761.70
WALL ST JOURNAL	LIBRARY SUBSCRIPTION	175.00
WAL-MART	MISC SPLS	676.46
WESCO DISTRIB INC	ELECTRICAL SUPPLIES	803.68
AUDITOR-PUBLIC ACCNTS	ACCOUNTING DISK	7.00
BERNTSON OIL	FUEL-CENTRAL GARAGE	580.65
CENTRAL GARAGE	REPAIRS & SUPPLIES	3,162.45
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	175.35
DAN'S SANITATION	SOLID WASTE-MAY UTIL BILLS	21,195.75
FISCHER-SCIENTIFIC	SEWER DEPT SUPPLIES	92.01
FRANSYL EQUIP CO	YEARLY TRUCK INSPECTIONS	3,344.09
T. O. HAAS TIRE CO	TIRE REPAIR	485.62
INS & PERSONNEL SVCS	EMPLOYEE 125 ACCOUNT	683.43
LEXINGTON CITY OF	UTIL BILLING FOR MAY	16,856.50
LEXINGTON CITY OF	FRANCHISE FEES FOR MAY	21,578.30
MEAD/BIG VALLEY LMBR	PARK & STREET SUPPLIES	170.88
OLD DOMINION BRUSH	CENTRAL GARAGE SUPPLIES	206.00
OVERTON COMM CNTR	MOW RENT	100.00
PETTY CASH FUND	PETTY CASH REPLENISH	50.26
SUPERIOR SIGNALS INC	CENTRAL GARAGE SUPPLIES	133.40
U S FILTER DISTRIB GR	PARK & WATER SPLS	363.27
VN WTRS & ROGERS INC	POOL CHEMICALS	347.70
	TOTAL CLAIMS	\$369,226.76

LIQUOR LICENSE:

The Lexington City Council held a public hearing to consider the request of Rodriguez Restaurante Inc. Mayor Fagot opened the public hearing. Speaking on behalf of Derek Mitchell, who represents Rodriguez Restaurante Inc., was Mr. Greg Lauby. Mr. Lauby stated that Rodriguez Restaurante Inc. has applied for a Class "M" Liquor License. This is a transfer of license from the establishment that used to be known as Rodriguez Meat Market, located at 113 East 6th Street. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Wightman, seconded by Cook, to recommend approval of a Class "M" (Bottle Club) Liquor License for Rodriguez Restaurante Inc. Roll call. Voting "aye" were Kohl, Cook, Wightman, Fagot. Motion carried.

**JEFFERSON STREET
WATER PROJECT:**

Mr. Bob Blankenship, representing Miller and Associates, addressed the Lexington City Council, presenting them with the results of the bid opening held May 12, 2000, for the Jefferson Street Water Project. There were two bidders on this project. One was Starostka Group, Co. from Grand Island, for \$125,541.40, and the other was Midlands Contracting, Inc. from Kearney, for

\$139,462.35. It was recommended to award the bid to Starostka Group Co. Following discussion, moved by Wightman, seconded by Kohl, to award the bid for the Jefferson Street Water Project, to Starostka Group, Co., in the amount of \$125,541.40. Roll call. Voting "aye" were Cook, Kohl, Wightman, Fagot. Motion carried.

APPRAISAL SERVICES:

City Manager Joe Peplitsch addressed the Lexington City Council stating that to comply with Federal guidelines, an appraiser needs to be hired for the purpose of land acquisition associated with the Cattlemen Drive project. He further stated that the low proposal was with David Malone in Kearney, and would recommend Council approve Mr. Malone's proposal of \$2,250.00. Moved by Wightman, seconded by Kohl, to accept the proposal of Mr. David Malone in the amount of \$2,250.00, for appraisal services for land acquisition associated with the Cattlemen Drive project. Roll call. Voting "aye" were Cook, Kohl, Wightman, Fagot. Motion carried.

FINAL DESIGN AGREEMENT:

City Manager Peplitsch informed the City Council that the preliminary phases of the viaduct project has been passed. The next step would be to move into the final design. Mr. Stan Johnson, representing Miller and Associates, addressed the Lexington City Council, briefly going over the viaduct project, as well as the Amendment to the Engineering Agreement. Following discussion, moved by Wightman, seconded by Kohl, to approve the amendment to the agreement with Miller and Associates for final design of the Adams Street Viaduct Project. Roll call. Voting "aye" were Cook, Kohl, Wightman, Fagot. Motion carried.

RESOLUTION:

City Manager Peplitsch addressed the Lexington City Council stating that Highway 21 will have to be rerouted as part of the Viaduct Project. This will leave a portion of the existing Right-of-Way under State control. At that point in time, they will want to relinquish ownership, and have the City of Lexington take possession. If the project continues, the following Resolution states that the City of Lexington will agree to take that Right-of-Way. Moved by Kohl, seconded by Wightman, to approve the following resolution approving execution of agreement with Nebraska Department of Roads on Hwy 21 Relinquishment. Voting "aye" were Cook, Wightman, Kohl, Fagot. Motion carried.

RESOLUTION NO. 00-12

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that the proposed Agreement with the State of Nebraska Department of Roads for relinquishment of a portion of Nebraska Highway 21 involved in the Lexington Viaduct Project, STPN-TMT-6555(1), is hereby approved, and the Mayor is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington.

PASSED AND APPROVED this 23rd day of May, 2000.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST

Joe Peplitsch
City Clerk

PUBLIC HEARING:

Mayor Fagot opened the public hearing on the Fiscal Year 2000 Budget amendment. City Manager Joe Peplitsch addressed the City Council stating the reason for this amendment is the Economic Development Program, that was passed earlier this year. It allowed the City Council to move some funds around beginning May 1st. In order to create that fund to transfer money, the budget will need to be amended. \$69, 792.00, which is a prorated amount of the yearly amount that was passed in the plan, will be moved into a separate fund. This will not require any additional call on taxes. Hearing no further discussion, Mayor Fagot closed the Public Hearing.

ORDINANCE:

An Ordinance entitled "AN ORDINANCE TO ADOPT AMENDED BUDGET STATEMENT FOR FISCAL YEAR 1999-2000. TO PROVIDE AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Wightman, seconded by Kohl, that the rules requiring the reading of said Ordinance on three separate days be suspended. Roll call. Voting "aye" were Cook, Kohl, Wightman, Fagot. Motion carried.

Said Ordinance was then read by title. Moved by Wightman, seconded by Kohl, that Ordinance No. 2126 be passed on final reading. Roll call. Voting "aye" were Cook, Kohl, Wightman, Fagot. Motion carried. The passage and adoption of said Ordinance No. 2126 having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance No. 2126, and the Deputy Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

Shirley Lewis, Deputy City Clerk
Lexington, Nebraska

BUILDING PURCHASE:

City Manager Peplitsch addressed the Lexington City Council stating that recently the Chamber of Commerce had moved its offices, leaving its former building. A proposal has been formed, in partnership with the Plum Creek Memorial Committee, to purchase the building, move it off its current site, to the new Recreation Complex for use as storage, meetings, etc. The proposal is for \$6,000, with \$3,000 obligated by the Plum Creek Memorial Committee. Following Mr. Peplitsch's presentation, moved by Cook, seconded by Wightman, to authorize Administration to proceed with the purchase of the Old Chamber of Commerce building for use at the new Recreation Complex. Roll call. Voting "aye" were Kohl, Wightman, Cook, Fagot. Motion carried.

FINANCIAL REPORT:

City Treasurer Barbara Mills presented the Lexington City Council with the Financial Report for April, 2000. Following the presentation, moved by Wightman, seconded by Kohl, to accept the Financial Report, for April, 2000. Roll call. Voting "aye" were Cook, Kohl, Wightman, Fagot. Motion carried.

RESOLUTION:

City Manager Joe Peplitsch addressed the Lexington City Council stating that the NMPP Members' Council is recommending a new Representative, and Alternate Representative be appointed to their Council. Upon reading of "Member Resolution For NMPP Members' Council Representation", moved by Kohl, seconded by Wightman, to approve the resolution. Roll call. Voting "aye" were Cook, Wightman, Kohl, Fagot. Motion carried.

MEMBER RESOLUTION FOR NMPP MEMBERS' COUNCIL
REPRESENTATION

NOW, THEREFORE, BE IT RESOLVED by the Lexington City Council of the City of Lexington, State of Nebraska, that

1. Such City of Lexington is a member of the Nebraska Municipal Power Pool.
2. The City Council of the City of Lexington, State of Nebraska, does hereby appoint Joe Peplitsch as the Representative of the City of Lexington, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.
3. The City Council of the City of Lexington, State of Nebraska, does hereby appoint Pete Bishop as the Alternate Representative of the City of Lexington, State of Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.

DATED this 23rd day of May, 2000.

John Fagot, Mayor

Attest

Joe Peplitsch
City Clerk

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 City Clerk – (Deputy)