

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 27, 2001 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. Departments Heads present were Deb Jensen, and Barb Mills. Also in attendance was Bob Blankenship, representing Miller and Associates, and Marty O'Haus, representing West Central Development District. The Press was represented by KRVN, Clipper-Herald, Tri-City Tribune, and the 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 John Fagot.

**MINUTES – REGULAR
MEETING – 3-13-01:**

Minutes of the Regular Meeting held Tuesday, March 13, 2001 was presented for Council's consideration and approval. Moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held March 13, 2001 as presented. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$288,396.58 was presented for Council's consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$81,674.00 from the General Fund, \$177,069.55 from LEXUS, \$20,653.13 from City Sanitation Fund, \$27.90 from Library Memorial Fund, \$21.03 from Library House Fund, \$3,286.67 from the Health Fund, and \$5,664.30 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
MARCH 27, 2001 COUNCIL

AFLAC	CAFETERIA PLAN PREM	\$878.56
AGUILAR, IRMA	SURVEY PROMOTION	500.00
ALAMAR UNIFORM CO	POLICE UNIFORMS	92.50
ALLSTATE IMAGING	INK JET CARTRIDGES	169.05
ALLTEL	CELLULAR CHARGES	48.82
BARRETT-HOUSEL-GRAFTON	WC & COMM AUDIT/ADD'L VEH COV	3,395.00
BERNTSON OIL	UNLEADED & DIESEL	2,435.37
BOB'S AUTO REPAIR & SERVICE	CENTRAL GARAGE REPAIRS	410.00
BORGES, LYNN	SURVEY PROMOTION	100.00
BUSINESS 7 PROFESSIONAL CREDIT	UTILITY COLLECTIONS/FEB	71.60
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	3,161.37

CASH-WA	FOOD & SUPPLIES	649.39
CENTRAL GARAGE	LABOR/PARTS/OIL/TIRES	4,571.00
CLARK ENERSEN PARTNERS, THE	PRE-FUND RAISING SVC/LIBRARY	1,356.11
CONNEY SAFETY PRODUCTS	MEDICAL SUPPLIES	111.36
D & R COMPUTING	COPIER SUPPLIES	55.99
DAWSON COUNTY SURVEYOR	COPIES	12.00
DEMCO	LIBRARY SUPPLIES	149.75
DENVER MARRIOTT TECH CENTER	CONF LODGING/NELSON	430.00
DUGAN BUSINESS FORMS	LASER CHECKS/ENVELOPES	423.15
DUTTON-LAINSON COMPANY	STEEL POLES/LIGHTS	7,508.25
EAKES OFFICE PRODUCTS	INK JET CARTRIDGES	91.93
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	141.61
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	2,564.54
FAGOT REFRIGERATION & ELECTRIC	LIFT STATION REPAIRS	88.92
FAIRBANKS INTERNATIONAL, INC.	PARTS	43.63
FAMILY EYEWEAR	SAFETY GLASSES/HAINES	72.00
FIFTH ST AUTOMOTIVE	CENTRAL GARAGE REPAIRS	57.04
FISCHER-SCIENTIFIC	WWTP TESTING SUPPLIES	636.79
FLOOR SHINE	FLOORS/LVFD	65.00
FYR-TEK	EXTINGUISHER	93.00
GENEALOGICAL PUBLISHING	LIBRARY SUPPLIES	38.45
GILLETTE/NEBRASKA DAIRIES INC	DAIRY	236.00
GODINEZ, MARIA	SURVEY PROMOTION	150.00
HIPP WHOLESALE FOODS INC	FOOD & SUPPLIES	830.33
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	601.05
JAMES UNDERWOOD DBA JELCO	REMOVE GRAFFITI	25.00
JIM PHILLIPS CONSTRUCTION	REPAIR WTR MAIN BREAKS	220.00
K LAWN	CITY BLDG LAWN/YR	172.90
KAR PRODUCTS	CENTRAL GARAGE SUPPLIES	131.56
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	432.19
LAKESIDE COUNTRY CLUB	MEMBERSHIP	415.00
LEWIS, SHIRLEY	REIMBURSE/CLERK SCHOOL	14.00
LEXINGTON COOP	WASHES/SUPPLIES	25.59
LEXINGTON NEWSPAPERS	PUBLICATIONS	9.90
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	39.78
LEXUS	TREE BOARD EXPENSES	151.20
LYNN PEAVEY COMPANY	POLICE KITS	45.75
LEXINGTON CITY PAYROLL ACCT.	PAYROLL FOR 3/22/01	72,541.99
SOCIAL SECURITY	SOCIAL SEC(EMPLOYER PORTION)	5,455.81
FIRST NATIONAL BANK	EMP PENSION(EMPLOYER PORT)	2,335.02
AMERICAN FUNDS	POLICE PENSION(EMPLOYER PORT)	971.86
I.C.M.A.	EMP PENSION(EMPLOYER PORT)	131.54
MEAD/BIG VALLEY LUMBER	LUMBER/CONCRETE	135.07
MERIDIAN LIBRARY SYSTEM	REGISTRATION FEE	20.00
MIDWAY SUPPLY	SUPPLIES	409.44
NEBRASKA CRANE	REMOVE TRANSFORMER	325.00
OVERTON COMMUNITY CENTER	RENT FOR MOW	100.00
PATTY'S HALLMARK	MISC. SUPPLIES	385.76
PAULSEN INC.	CONCRETE/GRAVEL	869.95
PLATTE VALLEY COMMUNICATIONS	LIFT STATION REPAIRS	201.68
PRINTING PRESS, THE	POLICE TIME SHEETS	142.43
QUALITY STORES	CHAIN SAW/DRILL	157.94
RECORDED BOOKS	LIBRARY SUPPLIES	15.90
RONCO INC	REMODELING/LBR/MAT	1,223.00
S & W PARTS, INC.	CENTRAL GARAGE SUPPLIES	803.65
STOBBE WELDING	LABOR/WELDING	30.00

SUBWAY OF LEXINGTON	MEALS	30.50
T.O. HAAS TIRE CO	CENTRAL GARAGE SUPPLIES	711.82
TIMEVALUE SOFTWARE	SOFTWARE	137.00
U S FILTER DISTRIBUTION GROUP	WTR SUPPLIES	221.35
UNITED STATES POSTAL SERVICE	POSTAGE	1,500.00
U-SAVE FOODS	FOOD & SUPPLIES	53.12
VEETRONIX	PAGER REPAIR/LVFD	198.46
WAL-MART	MISC. SUPPLIES	106.64
WESCO DISTRIBUTION INC.	TRANSFORMERS	10,266.60
WURSTER, ROBERT	SURVEY PROMOTION	250.00
ALLTEL	CELLULAR CHARGES	86.60
CBSA	EMPLOYEE MEDICAL BENEFITS	-1,506.70
CITY OF LEXINGTON	FRANCHISE FEE	24,099.55
DAN'S SANITATION	SANITATION CHARGES	21,297.57
DURAN, JUAN J	UTILITY REFUND	14.86
ELECTRIC FIXTURE AND SUPPLY	ELECTRIC SUPPLIES	169.08
EUSTIS BODY SHOP	REPAIRS	829.50
FISCHER-SCIENTIFIC	WWTP SUPPLIES	66.38
INSURANCE & PERSONNEL SERVICES	EMPLOYEE 125 ACCT	753.44
LEXINGTON ACTIVITIES FUND/SCHOOL	FIELD PAINT	450.00
LEXINGTON NEWSPAPERS INC	PUBLICATIONS	47.70
LEXUS	UTILITIES	18,263.41
LIEHS, WESLEY	LAND LEASE	2,250.00
MEAD/BIG VALLEY LUMBER	MISC SUPPLIES	1,482.12
MOTZNER, BILL	ELECTRIC REBATE	1,150.00
NE ASSN OF SENIOR CENTERS	REGISTRATION/MEMBERSHIP	45.00
NE DEPT OF HHS LABORATORY	LAB ANALYSIS	2,517.00
NEBRASKA NATIONAL BANK	MAIL SYSTEM LEASE	361.56
PATTY'S HALLMARK	OFFICE SUPPLIES	46.94
PETTY CASH FUND	REPLENISH PETTY CASH	37.50
SANTOS, LORENZO	ELECTRIC REBATE	500.00
SIEMENS POWER TRANSMISSION	CRCT BRKRS/ADAMS ST SUBST	81,461.85
T.O. HAAS TIRE CO INC	TIRE REPAIR	8.37
ULTIMATE OFFICE	WALL ORGANIZERS	310.89
	TOTAL CLAIMS	\$288,396.58

**CDBG APPLICATION
AND RESOLUTION:**

Mayor Fagot opening the Public Hearing. Marty O'Haus, representing West Central Development District addressed the Lexington City Council, requesting approval of an Application, and approval of a Resolution authorizing the Mayor to sign necessary documents, to the Community Development Block Grant Program for owner occupied housing rehabilitation funds in the amount of \$341,048. Mr. O'Haus stated that the use of these funds would be to rehabilitate homes owned, and occupied, by low to moderate income families. Following Mr. O'Haus' presentation, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Tomasek, to approve the following Resolution and authorize the Mayor to sign necessary contracts, documents, or other memoranda associated with CDBG application. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION AUTHORIZING CHIEF ELECTED
OFFICIAL TO SIGN AN APPLICATION FOR
AFFORDABLE HOUSING PROGRAM FUNDS

WHEREAS, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and

Community Development Act of 1974, as Amended, for small cities community Development Block Grant Program and Cranston-Gonzalez National Affordable Housing Action of 1990 (HOME Program) funds distributed by the Nebraska Department of Economic Development through the Affordable Housing Program.

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearings upon the proposed application and received favorable public comment respecting the application which for an amount of \$341,048 for a housing rehabilitation project to rehabilitate 12 homes owned and occupied by low and moderate income people, housing administration, and general administration; and,

NOW THEREFORE, BE IT RESOLVED BY, THE City Council of the City of Lexington, Nebraska, that Mayor John Fagot, be authorized and directed to proceed with the formulation of any and all contract, documents or other memoranda between the City of Lexington, Nebraska, and the Nebraska Department of Economic Development so as to effect acceptance of this grant application.

John Fagot, Mayor
City of Lexington, Nebraska

ATTEST:

Joseph Peplitsch, City Manager

RESOLUTION:

City Manager Peplitsch addressed the Lexington City Council requesting approval of a Resolution directing the Mayor to execute an agreement with the Department of Roads for work contemplated on Taft Street. Following Mr. Peplitsch's presentation, and discussion by the City Council, moved by Klamm, seconded by Salem, to adopt Resolution Number 01-02. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-02

WHEREAS; it is necessary for the City of Lexington to enter into an Agreement with the State of Nebraska Department of Roads, for Project No. STPAA-6563(1), State Control No. 61273, New Pavement, storm sewers, driveways and sidewalks on Taft St. from U.S. Highway 30 to 6th St. in Lexington;

NOW BE IT RESOLVED by the City Council, City of Lexington, Nebraska, that the Agreement for the above described Project, attached hereto, is hereby approved, and that John Fagot, as President of the Council, is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington, Nebraska.

PASSED AND APPROVED this 27th day of March, 2001.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Joe Peplitsch

City Clerk

RESOLUTION:

City Manager Peplitsch addressed the Lexington City Council stating that on November 25, 1997, an Ordinance was passed selling a portion of land to the Lexington Area Solid Waste Agency. The land was not deeded properly, so approval of the following Resolution will direct the Mayor to execute the deed and tie up this issue. Following Mr. Peplitsch presentation, moved by Klamm, seconded by Tomasek, to adopt Resolution No. 01-03 as printed. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-03

WHEREAS, the City has by Ordinance No. 2090 approved the sale of the following described real estate owned by the City, to-wit:

A tract of land located in the Northwest Quarter (NW ¼) of Section 20, Township 11 North, Range 21 West of the 6th P.M., Dawson County, Nebraska, and more particularly described as follows:

The reference bearing on the line between the West Quarter corner and the Northwest corner of said Section 20 is N 01° 31' E as recorded in deed book 113, page 576, Dawson County Register of Deeds, Dawson County, Nebraska; commencing at said West Quarter corner, Thence N 89° 26' 14" E a distance of 139.21 feet; Thence S 62° 28' 32" E a distance of 734.36 feet; Thence N 16° 22' 36" E a distance of 1011.88 feet; Thence N 12° 55' 18" W a distance of 416.00 feet; Thence N 01° 41' 57" W a distance of 702.41 feet; Thence S 70° 07' 00" E a distance of 26.88 feet to the point of beginning; Thence S 70° 14' 39" E a distance of 1332.68 feet; Thence S 01° 30' 32" W a distance of 626.09 feet; Thence N 88° 29' 28" W a distance of 920.33 feet; Thence S 78° 44' 02" W a distance of 208.83 feet; Thence N 12° 55' 18" W a distance of 413.54 feet; Thence N 01° 41' 57" W a distance of 690.06 feet to the point of beginning, said tract containing 23.38 acres more or less.

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 LEXINGTON AREA SOLID WASTE AGENCY., the purchaser thereof.

PASSED AND APPROVED this 27th DAY OF MARCH, 2001.
CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

City Clerk

ORDINANCE:

City Manager Peplitsch addressed the Lexington City Council, requesting approval of an Ordinance amending Chapters 8, 23, 26A, and 27 of the Lexington City Code. He stated that the changes will make it easier for the City to change specific fees and rates, and at the same time, work to clean up conflicting references of the code. Following Mr. Peplitsch's presentation, an Ordinance entitled "AN ORDINANCE TO AMEND SECTIONS 8-5, 8-5A, 8-6, 8-7, 8-8, 8-9, 8-17, 8-19, 23-10, 23-10.3, 26A-2, 26-A3, 27-3, 27-8 AND 27-12; TO REPEAL SECTIONS 23-10.1, 23-10.2, 27-26, AND 27-30; TO REPEAL ORIGINAL SECTIONS 8-5, 8-5A, 8-6, 8-7, 8-8, 8-9, 8-17, 8-19, 23-10, 23-10.3, 26A-2, 26A-3, 27-3, 27-8, AND 27-12, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Tomasek, to approve the Ordinance on First Reading. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

Following discussion by the Lexington City Council, moved by Klamm, seconded by Tomasek, to accept the Financial Report for February, 2001. Roll call. Voting "aye" were Salem, Cook, 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

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

