

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 26, 2002, 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 Acknowledgement 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 – 3-12-02: Minutes of the Regular Meeting that was held Tuesday, March 12, 2002 was presented for Council’s consideration and approval. Following recommended changes, moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held March 12, 2002 as corrected. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$971,233.68 were 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 \$109,181.06 from the General Fund, \$753,756.74 from Economic Development Fund, \$1,360.00 from Housing Reuse, \$69,645.95 from LEXUS, \$20,541.69 from City Sanitation, \$10,011.04 from Health Fund, \$6,737.20 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
March 26, 2002

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| ABB Inc. | Indicator Repair | 774.56 |
| Access Data Corporation | Software | 619.79 |
| Alltel | Cellular Charges | 49.78 |
| Barco Municipal Products | Parking Signs | 147.41 |
| Bee Office Solutions | File Drawers | 846.00 |
| Bernie and Pat's | Framing | 112.54 |
| Berntson Oil | Diesel Fuel | 2,502.74 |
| Best Way Inc | Safety Glasses | 198.10 |
| Business & Professional Credit | Utility Collections | 183.18 |
| Cash-Wa Distributing | Foods | 579.00 |
| CBSA | Employee Medical Claims | 2,140.34 |
| Central Garage Fund | Gas/Dsl/Lbr/Prts/Oil | 5,361.38 |
| Century Laboratories | Patching | 605.87 |
| Certified Laboratories | Supplies | 488.72 |
| Churchich Recreation Equipment | Rocky Horse | 258.91 |
| Craftsman Book Company | 2002 National Estimator | 52.70 |
| D & R Computing | Cartridge | 49.99 |
| Dawson County Public Power | Lights | 975.54 |
| Dawson County Surveyor | Boyd Survey | 626.60 |
| Demco | Labels | 32.22 |

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| Dutton Lainson | Brackets | 90.68 |
| E & I Electronics | Tires | 256.60 |
| Eakes Office Products | Paper | 5.98 |
| Eilers Machine & Welding | Strap | 23.65 |
| Electric Fixture | Electrical Supplies | 944.85 |
| Farmer Brothers Coffee | Filters | 47.67 |
| Farwest Line Specialties | Boots | 252.73 |
| Follett Software Co | Manual with Tabs | 19.50 |
| FYR-Tek | Oil/Filter/Airtest | 628.87 |
| Galeton Gloves | Rubber Boots | 71.70 |
| Gary's Detail Shop | Wash Vehicle | 20.00 |
| Gillette Dairy | Milk | 112.47 |
| H.O. Smith Co. | 01-HO-303 | 1,360.00 |
| Heldt & McKeone Title Ins Trust | Title Insurance | 856.74 |
| Hipp Wholesale Foods, Inc | Food/Supplies | 385.27 |
| Holbein, Steve | Door Closures | 381.50 |
| Holiday Inn | Room Charge-C West | 106.00 |
| Husker Ag Sales | Parts | 280.83 |
| Ingram Library Services | Books | 188.57 |
| Jim Phillips Const. | Water Leak Repair | 172.00 |
| Kriz-Davis Co | Fuse/Arrestor/Transformer | 1,729.86 |
| League of Nebraska Municipalities | Water Operator Workshop | 60.00 |
| Lexington Booster Club | 5 Lexington Flags | 125.00 |
| Lexington Newspapers, Inc | Notices of Hearing | 31.02 |
| Lexington Public Library | Petty Cash-Postage | 55.96 |
| Lexington True Value | Blades | 9.14 |
| Lincoln Tent | 6 Dugout Covers | 2,280.00 |
| Luther, Ann | Mileage | 36.70 |
| Lexington City Payroll | Wages | 76,487.05 |
| Social Security | Soc Sec (Emplyr Port) | 5,755.35 |
| First National Bank | Emp Pens (Emplyr Port) | 2,467.84 |
| American Funds | Police Pens (Emplyr Port) | 1,126.17 |
| I.C.M.A. | Emp Pens (Emplyr Port) | 180.00 |
| Mead Big Valley Lumber | Supplies | 344.62 |
| Mendoza, Juan | Electric Rebate | 125.00 |
| Mid-Nebraska Food Bank | Grocery | 65.66 |
| Mid-State Engineering & Testing | Geotech Investigation | 2,099.00 |
| Mr. Automotive | Supplies | 57.53 |
| NE Dept. of HHS Laboratory | Samples | 2,365.00 |
| Ne Habitat Conservation Coalition | Membership | 2,000.00 |
| Nebraska Law Enforcement | Recertification-Wolfe | 102.00 |
| Nebraska Supreme Court | UCC Reissue | 23.95 |
| Nebraska Tech & Telecom, Inc | Telephone Well #11 | 34.87 |
| Nebraskaland Tire | Repair | 15.00 |
| NEOPOST | Postage | 1,500.00 |
| Newman Traffic Signs | Signs and Lettering | 1,065.60 |
| NFPA International | Subscription | 115.00 |
| NLA Paraprofessional Section | Reg-Schultz & Brummet | 20.00 |
| Path Master Inc-Systems | Supplies | 500.00 |
| Patty's Hallmark | Paper/Cartridge | 348.49 |
| Pinnacle Bank | Energy Program | 548.00 |
| Platte Valley Communications | Radio in #71 | 78.33 |
| Plum Creek Promotions | Denim Shirts | 402.00 |
| Plus 4 Engineering Inc | Simulator Solution | 51.55 |
| S & W Auto Parts Inc | Parts and Supplies | 1,515.55 |
| Sav A Lot | Rolls | 41.58 |
| Service Master Mid Nebraska | Carpet Cleaning | 48.00 |
| Sixth Street Pharmacy | Film Processing | 6.78 |
| Skarshaug Testing | Clean/Test Gloves | 60.67 |
| Solomon Corporation | Supplies | 2,780.00 |
| SunMart | Grocery | 65.36 |
| Sunshine Filters | Elements | 121.70 |

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| T.O. Haas Tire | 2 Tires for Grader | 616.68 |
| THK Associates, Inc | Feasibility Study | 5,175.00 |
| Unique Books, Inc | Library Books | 15.55 |
| United Nebraska Bank | Land Purchase Bond | 500.00 |
| US Filter Distribution Group | Screws | 21.61 |
| Viking Office Products | Chair | 457.42 |
| W. Wesley Lubberstedt, PC | Land Purchase | 752,400.00 |
| Wal-Mart | Supplies | 203.61 |
| West, Charlene | Mileage/Conference | 54.20 |
| Williams Midwest Housemovers | Move Building | 3,500.00 |
| Winter Equipment Co | Mini Plow Guards | 160.23 |
| Woltemath, Wally | Electric Rebate | 825.00 |
| ZEP Manufacturing Co | Towels | 42.60 |
| Adirondack Direct | Furniture | 993.56 |
| AFLAC | Employee Cancer Ins | 1,036.02 |
| Alltel | Telephone Service | 98.73 |
| Apache | Roll Off Boxes | 9,716.00 |
| Awards Plus | Signs | 30.75 |
| Barco | Speed Limit Signs | 207.08 |
| Cash-Wa Distributing | Food and Supplies | 553.10 |
| CBSA | Premiums | 5,806.92 |
| City Of Lexington | Utility Franchise Fees | 21,825.42 |
| Dan's Sanitation | Service for March | 20,541.69 |
| Dotty's Diner | 3 on 3 Rolls | 57.00 |
| Electric Fixture | Supplies | 17.01 |
| Gall's Inc. | Supplies | 509.79 |
| Gillette Dairy | Milk | 53.55 |
| Hipp Wholesale | Food and Supplies | 1,062.18 |
| Husker Ag Sales | Supplies | 35.36 |
| Insurance & Personnel Services | Employee 125 Account | 1,027.76 |
| Kriz-Davis Company | Meter | 1,969.45 |
| Lexington Baseball Commission | 61 Teams-3 On 3 | 1,610.00 |
| Lex Girls Fast Pitch Association | 3 On 3 Teams | 1,610.00 |
| Lexington Truck & Auto | Steering Rebuilt | 460.00 |
| Lexus | Utility Billing | 3,835.02 |
| Mac's Short Stop | Coffee | 3.79 |
| Mead/Big Valley Lumber | Supplies | 151.13 |
| Mid Nebraska Printing | Copies | 222.75 |
| Overton Community Center | Meals | 100.00 |
| Patty's Hallmark | Supplies | 19.59 |
| Paulsen's | Concrete | 217.79 |
| Petty Cash Fund | Replenish Petty Cash | 52.28 |
| Plum Creek Auto Spa | Wash Vehicles | 27.00 |
| Plum Creek Promotions | Sweaters | 2,562.50 |
| Seward, Ruth | Conference Expense | 489.76 |
| Sav-A-Little | 3 On 3 Supplies | 252.77 |
| Subway of Lexington | Sandwiches | 30.86 |
| Sun Mart | Grocery | 52.63 |
| Wesco | Block | 236.43 |
| Wal Mart | Supplies | 129.80 |

TOTAL CLAIMS 971,233.68

**COUNCIL
COMPENSATION:**

An Ordinance entitled "AN ORDINANCE TO AMEND SECTION 2-10 OF THE LEXINGTON CITY CODE; TO AMEND THE ANNUAL SALARY FOR MEMBERS OF THE CITY COUNCIL AND THE PRESIDENT OF THE CITY COUNCIL; TO REPEAL ORIGINAL SECTION 2-10 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 Salem, Tomasek, Klamm, Fagot. Voting “nay” was Cook. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2154 on final reading. Roll call. Voting “aye” were Tomasek, Klamm, Fagot. Voting “nay” were Cook, Salem. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Byron Falleson, representing Guadalupe Martinez, addressed the City Council, requesting their recommendation of approval of a Class “M” Liquor License Application for Fiesta Mexicana, located at 731 E. Pacific. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Tomasek, to recommend approval of a Class “M” Liquor License Application by Guadalupe Martinez, dba “Fiesta Mexicana”, located at 731 E. Pacific, Lexington, Nebraska. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Irma I. Flores, addressed the City Council, requesting their approval to amend the Class “I” Liquor License Application to a Class “M” License, for El Tequila, located at 2307 Plum Creek Parkway, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Tomasek, to recommend approval of a Class “M” Liquor License Application by Irma I. Flores, dba “El Tequila”, located at 2307 Plum Creek Parkway, Lexington, Nebraska. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Voting “nay” was Cook. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. A representative from Casey’s General Stores, Inc. #2068, addressed the City Council, requesting their recommendation of approval of a Class “D” Liquor License Application for Casey’s General Store, located at 609 Plum Creek Parkway, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Salem, seconded by Cook, to recommend approval of a Class “D” Liquor License Application by Casey’s General Stores, Inc. #2068, located at 609 Plum Creek Parkway, Lexington, Nebraska. Roll call. Voting “aye” were Klamm, Tomasek, Cook, Salem, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. A representative from Casey’s General Stores, Inc. #1747, addressed the City Council, requesting their recommendation of approval of a Class “D” Liquor License Application for Casey’s General Store, located at 902 Adams, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Salem, seconded by Klamm, to recommend approval of a Class “D” Liquor License Application by Casey’s General Stores, Inc. #1747, located at 902 Adams, Lexington, Nebraska. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. DeEtta Hartman, representing Dawson Area Development, requesting their consideration of a loan application to the CDBG Revolving Loan Fund, for a 150 acre Industrial Park that will be used for future industries. Following discussion, Mayor Fagot closed the public hearing. Moved by Klamm, seconded by Tomasek, to approve a \$300,000 loan from the CDBG Reuse Funds to Dawson Area Development for engineering of an Industrial Park, with 0% interest, and a 5-year deferment on the payment, and authorize the Mayor and Administration to execute said documents. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

SUBDIVISION REQUEST:

Todd Lorenz, representing Olsson Associates, addressed the City Council, requesting their approval of a Subdivision Request by Lance and Sara Fertitta, and Greg and Susan Staley, on property located on the Southwest Quarter of

Section 17, Lexington, Nebraska. Peplitsch stated that the original Subdivision Agreement was grouped together. Following discussion, it was decided that separate agreements would be more beneficial. Therefore, it is requested that Council approve the Resolution now, and table the Subdivision Agreement until the separate agreements are completed. Following discussion, moved by Cook, seconded by Klamm, to approve the following Resolution, subject to approval of the Subdivision Agreement within 30 days. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

RESOLUTION NO. 02-04

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of FERTITTA ADDITION TO THE CITY OF LEXINGTON, NEBRASKA, Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, accepted, and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter the Addition shall be and remain a part of the City of Lexington, Nebraska, and shall be included within the corporate limits of the City and become a part of the City for all purpose whatsoever and the inhabitants of the Addition shall be entitled to all the right and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED March 26, 2002.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

**ELECTRIC RATE
RESOLUTION:**

Peplitsch addressed the City Council requesting their approval of a resolution setting electric rates for irrigation customers. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution No. 02-05 setting electric rates for irrigation customers. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-05

WHEREAS, Lexington City Code Section 8-19, authorizes the City Council to establish by Resolution a schedule of rates and charges for electric service.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following electric rates for the following use classification is established and shall take effect May 1, 2002, to be reflected on billings received during the month of May, 2002. That all other electric rates previously established shall remain unchanged.

Proposed Seasonal Interruptible Irrigation Service

Interruptible Irrigation Rate

| | |
|-------------------|---------------------------|
| Horsepower Charge | \$26.29 per H.P. |
| Energy | \$0.039 per Kilowatt hour |

PASSED AND APPROVED this 26th day of March, 2002.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

**DAD SEMI-ANNUAL
REPORT:**

DeEtta Hartman, representing Dawson Area Development, presented the City Council with the DAD Semi-Annual Report. Following her presentation, no action was taken.

CHANGE ORDER:

Peplitsch addressed the City Council requesting their approval of Change Order No. 1 for Municipal Wells No. 17 and No. 18, Lexington, Nebraska. Moved by Klamm, seconded by Salem, to approve Change Order No. 1 for Municipal Wells No. 17 and No. 18, Lexington, Nebraska. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

Financial Report for February, 2002, was presented for Council's consideration. Following review, moved by Klamm, seconded by Tomasek, to accept the Financial Report for February, 2002. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**MAY 14, 2002 COUNCIL
MEETING:**

Due to a conflict with the Primary Election, Peplitsch requested the Council consider rescheduling the May 14, 2002 Meeting. Following discussion, moved by Salem, seconded by Tomasek, to reschedule the May 14, 2002 City Council Meeting, to May 13, 2002 at 7:30 p.m. Roll call. Voting "aye" were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Salem, seconded by Klamm, to go into Executive Session at 8:12 p.m. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

Moved by Klamm, seconded by Salem, to reconvene Regular Session from Executive Session at 8:31 p.m. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

AGREEMENT:

Discussion was held regarding a purchase agreement on property located near closed landfill facility. Following discussion, moved by Cook, seconded by Salem, to authorize Administration and Legal Counsel to reach an agreement with Mr. Dave Sterner for purchase of his property. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, 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