

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 9, 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 – 3-26-02: Minutes of the Regular Meeting was held Tuesday, March 26, 2002 was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Regular Meeting held March 26, 2002 as presented. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,209,453.66 was 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 \$133,767.90 from the General Fund, \$300,000.00 from Ed Reuse, \$585,392.99 from LEXUS, \$10,000.00 from City Sanitation, \$3,390.00 from Landfill, \$9.92 from Library Memorial, \$17,797.10 from Health Fund, \$9,095.75 from Meals on Wheels, \$150,000.00 from Police Pension to the City of Lexington Operating Account. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
APRIL 9, 2002 COUNCIL

All Point Cooperative	Library Supplies	291.00
Allstate Imaging Inc	Office Supplies	298.62
Alltel	Cellular Charges	49.78
American Library Preview	Books	105.22
American Playground Corp	Swings	904.25
AT & T	Business Service	14.52
Baird, Holm, McEachen, Pederson	Prof Svcs:Police Pens Plan	270.00
Barco Municipal Products	Street Signs	34.73
Barmore's	Battery	36.73
Berntson Oil	Fuel/Oil	2,488.26
Bill's Farm and Ranch Services	Grass Seed	600.00

Bootery, The	Leather Softener	14.87
Broadwing Telecomm Inc	Telephone Charges	353.69
BSN/Passon's/GSC Sports	Fencing	194.99
C&S Truck & Salvage Inc.	Switch	24.84
Cash-Wa Distributing	Food & Supplies	856.48
CBSA	Employee Medical Claims	9,054.85
CBSA	Med, Life, Admin Fees	9,513.23
Central Garage Fund	Gas/Diesel/Lbr/Prts/Oil	4,136.09
Charter Communications	Internet Service	114.90
Churchich Recreational Design	Picnic Tables	3,512.40
Country	Subscription	29.98
Criticas	Subscription	29.95
Culligan Water Conditioning	Water Treatment	158.10
D&M Security	Monthly Charges	84.00
Dan's Sanitation	Waste Removal	10,976.44
Dawson Area Development	Membership	10,000.00
Dawson County Clerk	Dispatch Fees	7,215.76
Dawson County Register of Deeds	Filing Fees	32.00
Demco	Library Supplies	56.01
Dugan Business Forms	Printing Checks	188.88
Eakes Office Products	Supplies	1,145.53
Electric Fixture	Electrical Supplies	669.33
Fagot Refrigeration	Rpr Frzr and Unhook A/C	119.62
Farmer Brothers Coffee	Filters	119.24
Farwest Line Specialties	Boots	249.60
Five Points	Copier Pymt	205.12
Gale Group, The	Library Supplies	249.37
Gary's Detail Shop	Detailing	40.00
Gateway Companies Inc.	Server	2,347.00
Gillette Dairy	Dairy	235.37
Great Plains OneCall Service	Locates	44.83
Hipp Wholesale Foods, Inc	Food & Supplies	713.49
Holbein, Steve	Keys	8.20
Holdrege, City of	Transformers	350.00
Husker Ag Sales	Misc Supplies	100.14
Ideals	Subscription	19.32
IIMC	Deputy Clerk Dues	65.00
Ingram Library Services	Library Supplies	734.33
Jensen, Deb	Meals:Conference	19.55
Jerry's Electric	Polemount	1,500.00
Jim Phillips Construction	Optimist Field Building	4,805.00
Jones Plumbing	Svc/Supplies	442.37
K-Lawn	Spray Lawns	167.60
KRVN-FM	Contract	117.00
Lexington Animal Clinic	Animal Care	242.10
Lex Area Solid Waste Agency	Mixed Solid Waste	27.00
Lexington Communications	Radio Repair	148.80
Lexington Glass Co.	Window Repair	240.00
Lexington Health Fund	Self-Funding	27,005.50
Lexington Newspapers	Publications	220.12
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash-Postage	28.33
Lexington True Value	Misc Supplies	4.79
Lexington, City of	Monthly Charges	27,413.83
Lexus	Utilities	18,055.51
Linden's Plumbing	Sewer Svc	203.89

Linweld	Oxygen	51.41
Luther, Ann	Mileage	84.72
Lexington City Payroll	Wages	74,756.19
Social Security	Soc Sec (Emplyr Portion)	5,622.94
First National Bank	Emp Pens (Emplyr Port)	2,479.97
American Funds	Police Pens (Emplyr Port)	1,063.92
ICMA	Emp Pens (Emplyr Port)	180.00
Mead Big Valley Lumber	Misc Supplies	395.54
Meridian Library System	Library Supplies	6.00
Moore Medical Corp	LVFD Supplies	520.68
Municipal Supply	WR Supplies	82.38
NASASP	Renewal Dues	35.00
NE Economic Developers Assn	Jensen Conference	100.00
Nebraska National Bank	Mail System Lease	361.56
Nebraska Waste Handlers	Sludge Removal	2,190.00
Nelson, Margie L.	Cleaning	500.00
Newman Traffic Signs	Street Supplies	67.50
NPPD	Power Purchased	441,669.09
Pace Analytical	Landfill Monitoring	2,890.00
Pacific Ink	Ink Cartridges	449.77
Patty's Hallmark	Misc Supplies	1,938.66
Paulsen Inc	Concrete	632.51
Peak Interest	Meals	22.98
Penworthy Company	Library Supplies	443.84
Petty Cash Fund	Replenish Petty Cash	36.17
Platte Valley Auto Mart	Repair	44.97
Platte Valley Communications	Mic/Maint	193.50
Plum Creek Promotions	Stationery and Envelopes	1,651.39
Quill Corporation	Office Supplies	63.06
Qwest	Telephone	349.36
Ramada Inn/Kearney	Lodging	96.00
S & W Auto Parts Inc	Supplies	36.55
Seward, Randall	Library Cleaning	300.00
Specialty Store Services, Inc	Books on Tape	70.95
Stoney's	Car Washes	7.00
Subway of Lexington	Meals	20.95
Sunmart #763/Sixth Street	Food & Supplies	33.84
Taste of Home	Subscription	23.90
Teach Me Tapes	Library Supplies	69.75
Teen Voices	Subscription	19.95
THK Associates Inc	Feasibility Study	3,059.29
Tri-County Hospital	Fitness Center Fees	180.00
U S Filter Distribution Group	WR Meters/Supplies	3,895.44
Upstart	Supplies	92.08
Usher Pest Control	Monthly Svc	24.00
Valentino's	Tennis Meeting Lunch	29.96
Walker Roofing Company, Inc	Rpr Rooftop-Police Dept.	154.00
Wal-Mart	Misc Supplies	241.03
Wesco Distribution Inc.	Electric Supplies	5,487.42
Willard Weinhold Law Office	Pro Fees	1,316.50
Wolf, Tracy	Firearms Dues	10.00
Alltel	Mobile Phones	49.78
Berntson Oil	Fuel	27.00
Brown, Harold	Leaf Blower	100.69
Business & Professional Credit	Collection Fees	294.16
CBSA	Check Claims	7,221.83

Central Garage	Equipment Maint	2,290.46
Converse, Michael	Electric Rebate	1,025.00
Dawson Area Development	CDBG Loan	300,000.00
Dawson County Public Power	Power	1,515.02
Electric Fixture	Electric Supplies	173.02
Hipp Wholesale	Food and Supplies	906.34
Husker Ag Sales	General Maintenance	53.91
Insurance & Personnel Services	Employee 125 Account	1,520.42
Investment Property Exchange	Landfill Appraisal	500.00
Kriz-Davis Company	Inventory	1,121.16
Lake Promotional Products	Supplies	626.25
Lewis, Shirley	Conference Expense	4.69
Lexington Newspapers	Publications	167.94
Lexington True Value	Blade	29.94
Lexington, City of ED Reuse	Loan	150,000.00
Luther, Ann	Conference Expense	81.84
Mead/Big Valley	Door and Frame	64.67
Mr. Automotive	Car Supplies	31.66
Nebraska Dept. of Revenue	Sale /Use Tax Feb 2002	29,589.84
Nebraska Machinery	Nuts and Bolts	429.96
Nebraska Municipal Power Pool	Member Dues	1,601.32
Nebraska Tech and Telecom, Inc	Telephone for Depts.	1,220.11
Patty's Hallmark	Supplies	160.40
Platte Valley Auto Mart	Supplies	10.96
Platte Valley Communications	Check Wtr Flow Mtr-IBP	2,513.00
Plum Creek Auto Spa	Car Washes	20.00
Plum Creek Motors	Switch	85.22
Precision Industries	Supplies	6.84
Remmenga, Jerry	Electric Rebate	125.00
S&W Parts, Inc	Supplies for Resale	364.70
Serrob	Emergency Kit	283.50
Sign Pro	Signs	20.50
Sunmart	Grocery	68.72
Telegraph	3 on 3 Adv	151.98
Valentino's	Lunch-Tennis Mtg/3 on 3	279.96
Wal-Mart	Supplies/Fil Processing	68.88
Warren-T Drain Cleaners	Video Sewer Line	355.00
Wesco Distribution, Inc	Shorting Caps	63.90
Western Engineering Co. Inc	Patching Material	328.92
	TOTAL CLAIMS	1,209,453.66

PUBLIC COMMENTS:

Cheri Schabin representing Schabin Sanitation addressed the City Council, advertising their services, and requested an opportunity to bid on Residential Hauling in the City of Lexington.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Derrick Mitchell representing Rodriguez Restaurante addressed the City Council requesting their recommendation of approval of a Class "M" Liquor License Application on property located at 501 Plum Creek Parkway. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Cook, seconded by Tomasek, to recommend approval of a Class "M" Liquor License Application for Rodriguez Restaurante, Inc., on property located at 501 Plum Creek Parkway, with recommended amendment to address. Roll call. Voting "aye" were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Amy Chrisman addressed the City Council requesting their recommendation of approval of a Class "M" Liquor License Application on property located at 405 N. Washington, Lexington, Nebraska. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Cook, seconded by Klamm, to recommend approval of a Class "M" Liquor License Application for LeLe Inc., dba Lakota, located at 405 N. Washington, Lexington, NE 68850. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Cook, Fagot. Motion carried.

RESOLUTION:

Peplitsch addressed the City Council requesting approval of a resolution establishing a street improvement district on 14th Street from Jefferson to Tyler Streets. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 02-06. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-01

A RESOLUTION CREATING IMPROVEMENT DISTRICT NO. 02-01, PROVIDING FOR GRADING, CONCRETE PAVING, CURB AND GUTTER, AND DRAINAGE THEREIN.

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

Section 1. Pursuant to the authority granted by Nebraska Revised Statutes Sections 18-2001 through 18-2003, the Council finds that 14th Street, between Tyler and Jefferson Streets, constitutes an unpaved gap between otherwise paved streets, and there is hereby created within the City of Lexington, an Improvement District to be known as "Improvement District No. 02-01".

Section 2. The Improvement District shall consist of the following streets or portions of streets in the City of Lexington, Nebraska:

14th Street, from Tyler Street to Jefferson Street

Section 3. There shall be constructed and provided on the above described streets, grading, paving and drainage which shall be in accordance with the plans, specifications, and estimates to be hereinafter adopted.

Section 4. The streets provided in the above section will abut on curb and gutter where it exists, and will include curb and gutter where curb and gutter has not already been provided.

Section 5. That the cost of such grading, paving and drainage except street and alley intersections, shall be assessed against lots and tracts of land abutting upon and adjacent to said portion of the streets, specifically benefited thereby, in proportion to the benefit received, to be determined by the City Council as the law provides.

PASSED AND APPROVED April 9, 2002.

John Fagot
Mayor

ATTEST:

Joe Peplitsch
City Clerk

JAKE BRAKES:

Discussion was held regarding the use of Jake Braking/Engine Braking within the City Limits. Bill Ashmore spoke in support of Jake Braking/Engine Braking. Charlie Cadwell, Anita Millican, and Sue Cunningham spoke in opposition. Following discussion, an Ordinance entitled "AN ORDINANCE TO AMEND SECTION 17-3 OF THE LEXINGTON CITY CODE; TO PROHIBIT JAKEBRAKING BY SEMITRACTORS AS AN UNNECESSARY NOISE; TO REPEAL ORIGINAL SECTION 17-3 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 approve Ordinance on First Reading. Roll call. Voting "aye" were Cook, Salem, Tomaek, Klamm, Fagot. Motion carried.

PLANNING SESSION:

Peplitsch addressed the City Council requesting a date and time be set for a project planning session. Following discussion, moved by Klamm, seconded by Salem, to set May 11, 2002 at 8:00 a.m. as the date and time for the City Council's Project Planning Session. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Salem, to go into executive session at 8:02 p.m. to discuss City Manager's Annual Evaluation. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Moved by Salem, seconded by Klamm, to reconvene regular session from executive session at 8:40 p.m. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, 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