

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 13, 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 Pepplichtsch, 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 – 4-23-02: Minutes of the Regular Meeting that was held Tuesday, April 23, 2002 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held April 23, 2002 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 5-1-02: Minutes of the Special Meeting that was held Wednesday, May 1, 2002 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Special Meeting held May 1, 2002 as presented. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,060,861.71 was 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 \$516,481.60 from the General Fund, \$522,030.45 from LEXUS, \$10,000.00 from City Sanitation, \$82,095.67 from Landfill, \$18,161.93 from Health Fund, \$12,092.06 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 13, 2002

AFLAC	Premiums	1,023.12
Alamar Uniform Co.	Uniforms	104.46
All Points Cooperative	Supplies	2,246.53
Allied Interstate	Qwest Claim	95.30
Alltel	Phone Service	160.73
Amazon.Com	Book	13.94
American Library Association	Membership Dues	150.00
Audio Editions	Books	44.72
Barco Municipal Products	Signs	426.85

Bee Office Solutions	Lateral File	369.00
Berntson Oil	Fuel/Oil	3,159.56
Bill's Farm and Ranch Services	Grass Seed	600.00
Bob's Auto Repair	Repair Lumina	429.30
Broadwing Telecommunications	Phone Service	355.38
BSN/Passon's/GSC Sports	Tennis Equipment	396.55
Business and Professional Credit	Collections Fee	50.84
Cash-Wa Distributing	Food & Supplies	2,097.67
CBSA	Employee Medical Claims	12,660.05
CBSA	Premiums and Fees	9,511.73
Central Community College	Firs Dept. Training	160.00
Central Garage	Labor/Parts/Fuel for April	9,490.69
Central Nebraska Cleaners	Contract Cleaning	130.00
Certified Laboratories	Parts	81.45
Charter Communications	Cable	114.90
Cindy's Heavenly Cookies	Rolls	8.19
Computer Management Services	Prog/Class Reg-Hrmdz	1,180.00
Conney Safety Products	Supplies	2.45
Copper, Alfred	Property Clean Up	155.00
Culligan	Water Treatment	168.30
Curtis Industries, Inc	Supplies	81.76
Dan's Sanitation	Waste Removal	11,273.44
Dawson County Road Dept.	Sign Posts	110.60
Dawson County Sheriff	Gang Officer	5,503.08
Depository Trust Co	GO Bond Payment	260,953.75
Diebold Incorporated	System Up Grade	1,715.74
Dream Gardens Nursery	Trees	3,415.82
Dutton Lainson Co	Arrester	421.52
Eakes	Supplies/Copier Payment	670.34
Egan Supply Co	Supplies	221.55
Eilers Machine & Welding	Parts	129.74
Electric Fixture	Electrical Supplies	665.95
Electric Meter Services	Test Meter	16.74
Eustis Body Shop	Boomtruck Repairs	736.13
Facts on File	Library Book	69.30
Fagot Refrigeration & Electric	Service Items	243.87
Farmer Brothers Coffee	Filters	47.67
FC&A	Books	19.96
Fisher Scientific	Glasses	115.46
Five Points Bank	Copier Payment	205.12
Flowers of Joy	Supplies	45.91
Follett Software	Labels	124.64
Fox Bros. Hay Co	Grinding Wood Waste	2,475.00
Gateway Companies	3 Computers	1,047.00
Gangwish Turf	Bluegrass	180.36
Gary's Detail	Car Wash	20.00
Gengenbach, Kevin	Toilet Rental	180.00
Gillette Dairy	Dairy	358.43
Great Plains One-Call Service	Diggers Hotline	65.83
Greg Larson Sports	Baseballs	308.84
Hach Company	Solutions	191.59
Hipp Wholesale Foods, Inc	Food & Supplies	2,320.54
Holbein Lawn Service	Lawn Care	218.00
Holtz, Marsha	Training Expense	32.72
Husker Ag Sales	Supplies	439.55
Ingram Library Services	Books	398.85
Insurance & Personnel Services	Employee 125 Plan	666.34
Int Municipal Lawyers Assoc	Municipal Membership	455.00
Jones Plumbing & Heating	Service and Supplies	1,230.10

KAR Products	Supplies	99.92
Kearney, City of	Safety Manual	5.00
Kirk's	Meeting	24.19
Knapp Electric	Motor	505.80
KRVN-FM	Advertising	165.00
Lexington Animal Clinic	Euthanasia and Boarding	475.70
Lexington Glass Co	Repairs	192.50
Lexington Health	Self Funding	27,005.50
Lexington Newspapers	Meeting Notices	247.78
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash-Postage	52.04
Lexington Recreation Program	Start Up Money for Prog	1,600.00
Lexington True Value	Tools and Supplies	55.24
Lexus	Utilities	23,876.62
Lexus	Tree Board-Postage	7.82
Liehs Drilling	Labor and Repair	1,405.59
Linweld	Oxygen	34.40
Luther, Ann	Training Expenses	83.62
The Gale Group	Books	156.43
Lexington City Payroll	Wages	77,245.55
Social Security	Soc Sec (Emplyr Port)	5,818.76
First National Bank	Emp Pens (Emplyr Port)	2,502.60
American Funds	Police Pens (Emplyr Port)	1,058.36
ICMA	Emp Pens (Emplyr Port)	250.38
Main Street Program	Promotion	7,500.00
Matt Parrott and Sons Co	Forms /Envelopes Printing	310.40
McCandless Backhoeing	Backhoeing Sewer	227.50
McCooknet Internet Service	Unit 24 Antenna	650.00
Mead Big Valley Lumber	Supplies & Cement	306.69
Michael Todd & Co	Shovels	250.76
Mid Nebraska Eng & Testing	Lex Industrial Tract	2,610.00
Mid Nebraska Printing	Copies and Forms Printing	521.11
Milco Environment Services	Water Samplings	1,116.00
Misko Sports	Recreation Equipment	1,313.50
Mr. Automotive	Supplies	159.39
Municipal Emergency Services	Extinguisher	392.00
Municipal Supply	Supplies	400.29
NE Dept. of Roads	Final Pmt-Cattleman's Dr	143.68
Nebraska Machinery	Supplies	158.69
Nebraska National Bank	Mail System Contract	361.56
Nebraska Public Power District	Power Purchased	383,426.80
Nebraska Waste Handlers	Sludge Removal	3,285.00
Nelson, Margie L	Cleaning Service	500.00
Neopost	Software for Postage	133.75
Newsweek	Subscription	29.70
Omnigraphics	Book	37.55
Orscheln Farm and Home	Supplies	260.60
Overton Sand and Gravel	Rock	116.80
Patty's Hallmark	Supplies	785.84
Paulsen Inc	Concrete and Gravel	3,548.44
Peak Interest	Civil Service Meeting	22.98
Pinnacle Bank	Land Payment	16,741.77
Platte Valley Communications	Battery and Maintenance	257.52
Plum Creek Bank	Fire Truck Payment	19,971.52
Plum Creek Cleaners	Mats	134.00
Qwest	Libr/Rec Comp Phn Svc	448.11
R.C. Booth Enterprises	Plat	28.00
Reams Sprinklers	Sprinkler Supplies	12.06
Rent All Rentals	WWTP	38.06

Richardson, William	Electric Rebate	425.00
S & S Repair	Transmission	400.00
S & W Auto Parts, Inc	Supplies	614.24
Sav A Lot	Grocery	37.18
Service Master Mid Nebraska	Carpet Cleaning	48.00
Seward, Randell	Library Cleaning Service	300.00
Sign Pro	Panels	315.00
Specialty Store Services	Books on Tape	70.95
St Ann's Parish Center	Deposit/Mow Bsbl Field	400.00
Sterner, David	Real Estate	74,809.82
Subway of Lexington	Facilities Meeting	26.58
Sunmart #763/Sixth Street	Food & Supplies	87.55
T O Haas	Tire Repair and Tube	25.42
Taste of Home	Library Cookbook	21.90
Total Lawn Care	Lawn Care	320.00
Tri City Tribune	Summer Rec Advertising	120.00
Tri County Shrine	Promotion	105.00
Tri-County Hospital	Wellness Ctr Fee/Drg Scr	215.00
Underwood, James	Carpet Cleaning	200.00
US Filter Distribution Group	Meter/Motor/Supplies	572.56
Usher Pest Control	Monthly Service	27.00
Utility Equipment	Clamp and Curb Boxes	1,104.94
Vetronix	Battery	10.12
Wal-Mart	Misc Supplies	836.98
Wesco Distribution	Electrical Supplies	185.31
Willard Weinhold Law Office	Professional Services	1,379.50
WPCI	Drug Screening	27.10
Yant Equipment Co	Tank and Retainer	1,245.00
CBSA	Medical Claims	3,750.32
Cash Wa Distributing	Grocery and Supplies	811.75
Certified Laboratories	Parts	352.78
Dawson County Public Power	Power	1,967.72
Gillette Dairy	Milk	52.07
Greg Larson Sports	Baseballs	373.71
KN Energy	Gas Usage	2,242.41
Nebraska Dept. of Revenue	NE and City Sales Tax	26,532.51
Nebraska Tech & Telecom	Phone Service	1,152.77
Perkins COIE LLP	Legal Fees	6,169.85
Petty Cash	Reimbursement	80.31
Price's Tree Service	Fertilize Trees	500.00
Quality Inn and Suites	Jensen/Conference	74.32
Sign Pro	Sign and Lettering	8.00
Sunmart	Grocery	17.56
Viking Office Products	Supplies	113.90
Wesco Distribution, Inc	Inventory Supplies	749.76
	TOTAL CLAIMS	1,060,861.71

**SUBDIVISION
REQUEST:**

Pepplitsch addressed the City Council requesting their approval of a Final Subdivision Plat for the Lexington Industrial Addition. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution Number 02-07. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-07

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

The plat of LEXINGTON INDUSTRIAL 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 rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED May 13, 2002.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Peplitsch addressed the City Council requesting their consideration of a Rezoning Request for the City of Lexington, on Lots 1 and 2, Lexington Industrial Addition, located at 900 East Walnut, Lexington, NE, from A-1 to M-2. Following discussion Mayor Fagot closed the Public Hearing.

ORDINANCE:

Following a brief discussion, an ordinance entitled "AN ORDINANCE TO REZONE LOTS 1 AND 2 OF LEXINGTON INDUSTRIAL ADDITION FROM A-1 AGRICULTURAL TO M-2 HEAVY INDUSTRIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Klamm, seconded by Salem, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was then read by Title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2167 as presented. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION:

Peplitsch addressed the City Council requesting their approval of a Resolution concerning review of the Blight and Substandard Determination Study on Redevelopment Area #4. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 02-08. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-08

A RESOLUTION FOR THE CITY OF LEXINGTON, NEBRASKA, MAKING A DETERMINATION OF A BLIGHTED AND SUBSTANDARD AREA IN THE CITY PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance passed and approved, created the

Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority") pursuant to Sections 18-2101 through 18-2153, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, the City has received the recommendation of the Lexington Planning Commission after review pursuant to Section 18-2109 of the Act; and

WHEREAS, the Notice of Public Hearing has been published two (2) consecutive weeks in the legal newspaper for the City, the second publication being at least ten (10) days prior to the Public Hearing held May 1, 2002 before the Lexington City Council, and copies of said notice have been sent by first class mail to the president or chairperson of the governing body of Dawson County, Dawson County School District #1, Central Community College, Educational Service Unit #13, and the Central Platte Natural Resources District; and

WHEREAS, after public hearing, it is hereby determined that the area described in "Exhibit A" as attached is substandard and blighted as defined by Section 18-2103 of the Act, and is in need of redevelopment.

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

1. RESOLVED, that the area described in "Exhibit A" as attached, is hereby found and declared to be a blighted and substandard area as defined by Section 18-2103, R.R.S. 1943, subsections (10) and (11), in that said area meets the criteria described in subsection (10) and meets on or more of the factors set forth in (i) through (iv) of subsection (11)(b) and that said area is in need of redevelopment.
2. The portions of the area not included in the City are necessary and convenient to the redevelopment of the blighted and substandard areas in the City.
3. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is found to be a public purpose and in the public interest.
4. That it is hereby found and determined that said area is an eligible site for a redevelopment project under the provisions of Chapter 18, Article 21, Nebraska Revised Statutes of 1943 as amended.
5. That any Resolution passed and approved prior to the passage, approval and publication of the Resolution which is in conflict with the terms and provisions of this Resolution is hereby repealed. This Resolution shall take effect and be in full force and effect from and after its passage, approval and publication as required by law. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution shall not affect the validity or effectiveness of the remainder of this Resolution.

PASSED AND APPROVED, this 13th day of May, 2002.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

TENNIS COURT PROJECT: Dana Daniels, representing Miller and Associates, addressed the City Council reviewing the plans and specifications for the Tennis Court Project at Plum Creek and Memorial Parks. Following Mr. Daniels presentation, moved by Salem, seconded by Klamm, to approve the plans and specifications for the Tennis Court Project, and authorize the advertisement for bids. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

HOUSE BID: Peplitsch addressed the City Council requesting their acceptance of the highest bid for the sale of house located at closed municipal landfill. Following discussion, moved by Klamm, seconded by Tomasek, to accept the bid of \$12,500 by John Wightman, on the house located at the closed municipal landfill. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**FIRE DEPARTMENT
BY-LAWS AMENDMENT
RESOLUTION:** City Attorney Willard Weinhold addressed the City Council requesting their approval of a Resolution that would amend the Constitution By-Laws for the Lexington Volunteer Fire Department. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution No. 02-09. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-09

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

That the following amendment to the By-Laws of the Lexington Volunteer Fire Department is hereby approved:

Article IX-New Section 5. Company #5:

In addition to or as an alternative to other discipline procedures, the Board of Control may transfer a member to Company #5, as follows:

1. If percentage of calls and or training hours as described in by-laws are not met;
2. Certified letter will be sent to advise fire person of shortages in training and percentage of calls;
3. Will be given two (2) months from January regular meeting to make up hours of training;
4. In case of shortage of percentage points, one hour of training will equal one percentage point;
5. If training and percentage is brought up to required hours, fire person will remain in their company and year of service will count;
6. If three consecutive regular meetings are missed, fire person will be sent certified letter and will be required to explain absence at next

regular meeting. Fire person will be voted on to remain in good standing or to be moved to company #5. If the fire person does not respond to the certified letter and does not appear at the next regular meeting, the fire person will automatically be placed into company 35, and current year of service will not count.

Persons transferred to Company #5 will be subject to the following:

1. Retain right to vote at meetings;
2. Will not be reimbursed money for schools or conventions;
3. Return to previous company if completed requirements in next year of service;
4. Years of service DO NOT COUNT in Company #5;
5. After two consecutive years on Company #5, fire person will be sent certified letter notifying them of choice of asking for honor role status or being dismissed from Fire Department roster.

Passed and approved this 13th day of May, 2002.

John Fagot
Mayor

ATTEST:

Shirley Lewis
Deputy 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 Deputy City Clerk