

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 23, 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 – 7-9-02: Minutes of the Regular Meeting that was held Tuesday, July 9, 2002 was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Regular Meeting held July 9, 2002 as presented. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$297,990.81 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Cook, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$127,947.65 from the General Fund, \$126,532.31 from LEXUS, \$20,829.71 from City Sanitation, \$1,563.00 from Landfill, \$25.00 from Library Memorial, \$12,798.84 from Health Fund, \$8,294.30 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
23-Jul-02

All Points Cooperative	Propane/ Car Wash/ Tire Repair	\$30.00
Arias, Jose	Electric Rebate	\$125.00
Automotive Sales and Service	Engine	\$200.00
Berntson Oil	Fuel	\$2,633.04
Better Homes and Gardens	Subscription	\$19.91
Booth, Kimberlee	Plum Creek Race Shirts	\$727.00
Business & Professional Credit	Collection Fees	\$133.20
C.B.S.A.	Employee Medical Claims	\$11,177.58
Cash Wa Distributing	Food/Supplies/Concessions	\$1,574.88
Central Garage Fund	Gas/Diesel	\$6,250.58
Child's World	Books	\$194.32

Cindy's Heavenly Cookies	Cookies/Concessions	\$229.20
Coca Cola/Dr Pepper of Kearney	Concessions	\$258.00
Dan's Sanitation	Sanitation Svc	\$990.00
Dawson County Public Power	Well #15 Power	\$3,330.96
Demco	Audio Book Pak	\$15.59
Dotty's	Concessions	\$76.00
Dutton-Lainson Co	Supplies	\$793.43
Eakes Office Products	Supplies	\$6.98
Eilers Machine & Welding	Repairs	\$6.00
Electric Fixture	Electrical Supplies	\$1,225.86
Element K Journals	Access Subscription	\$67.00
Fisher Scientific	Ammonia/Supplies	\$601.06
Gary's Detail Shop	Car Washes	\$40.00
Gillette/Nebraska Dairies	Dairy	\$199.52
Gnirk, Rodney	Electric Rebate	\$900.00
Hach Co	Supplies	\$436.62
Hernandez, Sarah	Conference Exp Reimbursement	\$291.42
HIPP	Wholesale Grocery and Supplies	\$2,012.12
Holiday Inn-Midtown	Conference Lodging: T Wolf	\$50.00
Husker Ag Sales	Supplies	\$525.07
Husker Outdoor Power Equipment	Parts/Repairs	\$16.99
Ingram Library Svc	Library Books	\$116.79
Insurance & Personnel Services	125 Employee Plan	\$420.21
Invensys Metering Systems	Meter Gun Repairs	\$201.43
Kinder Morgan	Power	\$6.00
Kriz-Davis Co	Electrical Supplies	\$767.92
League of NE Municipalities	City Mgmt Assoc. Dues	\$248.04
Lex Area Solid Waste Agency	Sanitation Disposal	\$1,259.64
Lexington Glass Co	Cemetery Repairs	\$62.50
Lexington Newspapers	Public Notices	\$661.13
Lexington Public Library	Replenish Petty Cash	\$41.40
Lexington True Value	AC Unit/Supplies	\$21.00
Liehs Drilling	Test Rec Complex	\$275.00
Lookout Books	Library Books	\$255.05
Lynch, Robert	Electric Rebate	\$300.00
Lynn Peavey Co	Assault Kit	\$42.80
LEX CITY PAYROLL ACCNT	Wages	\$100,160.29
SOCIAL SECURITY	EMPLYR PORTION FICA/MED	\$7,573.75
FIRST NATIONAL BANK	EMPLOYER PORTION PENSION	\$2,716.36
FIRST NATIONAL BANK	POLICE PENSION	\$1,171.17
ICMA	PEPLITSCH PENSION	\$250.38
Jim Phillips Construction	Labor	\$875.00
Mac's Short Stop	Concessions	\$32.65
Mead Rental Center	Services	\$33.55
Mead/Big Valley Lumber	Misc Supplies	\$222.99
Meteorlogix	Weather Center Service	\$1,056.00
Microfilm Imaging Systems	Rebuilt Machine	\$2,245.00
Mid-Nebraska Food Bank	GGC Grocery	\$32.98
Midwest Laboratories	Sample Analysis	\$1,711.49
Milco Environmental Services	Ann Air Inventory	\$500.00
NE Dept HHS Laboratory	Sample Analysis	\$506.00
NE Machinery	Parts	\$33.83
NE Volunteer Fire Fighter Trust	Volunteer Insurance	\$1,764.42
Nebraska Community Foundation	Main Street Conf: D Jensen	\$12.60
Nebraska Dept of Labor	McManus Unemployment	\$680.00
Nebraska Tech and Telecom Inc	Phone Service	\$1,174.42

Nebraskaland Conference of Neopost	Building Officials Conf: T Nelson	\$100.00
Overton Community Center	Postage Meter	\$1,500.00
Patty's Hallmark	Rent	\$100.00
Paulsen Inc	Postage	\$5.23
Platte Valley Auto mart	Concrete and Street Repairs	\$368.85
Platte Valley Communications	Service Vehicle	\$28.70
Plum Creek Cleaners	Maintenance: Police Dept	\$90.00
Plum Creek Medical Group	Service	\$126.00
Plum Creek Promotions	Office Call:Roos	\$234.00
Precision Industries	T Shirts:Rec	\$1,846.00
Price's Tree Service	Parts	\$247.21
Reiman Publications	Tree Removal	\$350.00
S& W Auto Parts	Subscription	\$11.98
Safety-Kleen	Misc Supplies	\$821.17
Sav A Lot	Oil Analysis	\$620.00
Schwan's Sales Ent	Concessions and Grocery	\$68.69
Sherman Lawn Sprinklers	Concessions	\$42.63
Specialty Store Services	Water Supplies	\$163.00
Subway	Books on Tape	\$70.95
Sunmart	Meetings	\$58.87
T & R Electric	Grocery/Concessions	\$403.18
T.O. Haas Tire Co	Transformers	\$1,205.00
The Printing Press	Tires/Repair	\$306.48
Tri City Tribune	Supplies:Library	\$43.70
Valentino's	Subscription	\$28.00
W. W. Grainger, Inc	Meetings	\$42.56
Wal-Mart	Cartridge:Pool	\$170.84
Warren-T Drain Cleaners	Misc Supplies	\$286.98
Wax Shop	Televiser Sewer Line	\$230.00
Wesco Distribution Inc	Windshield:Ranger	\$49.99
Western Engineering Co, Inc	Electrical Supplies	\$630.48
Wolf, Tracy	Patching Material	\$430.97
Alamar Uniform Co	NALEF Conf Reimbursement	\$107.58
Alltel	Police Uniforms	\$95.98
Automotive Sales and Service	Wireless Service	\$102.53
Bader Insulation and Sandblasting	Engine	\$1,600.00
Barco Municipal	Sandblasting WWTP	\$8,000.00
Beran, Todd	Supplies	\$233.81
Berntson Oil	WWTP Fertilizer	\$536.00
Card Center	Fuel	\$139.40
Case Credit Advantage	Supplies	\$182.32
Cash Wa Distributing	Hardware	\$1.99
CBSA	Concessions and Grocery	\$1,019.67
Central Tire and Tread	Claims	\$967.05
Chief Supply	Tire Repair	\$29.80
Cindy's Heavenly Cookies	Fire Dept:Gear	\$1,532.99
Dan's Sanitation	Concessions and Grocery	\$130.00
DBS Manufacturing	July Sanitation Balance	\$20,829.71
Dugan Business Forms	WWTP Rehab	\$25,303.00
Fisher Scientific	Printing Payroll Checks	\$257.36
Gillette Dairy	Supplies	\$83.01
Hipp Wholesale Foods	Dairy	\$42.31
Husker Ag Sales	Credit Grocery and Supplies	\$(134.48)
Ingram Library Services	Supplies	\$262.44
Intl. Conf of Blg Officials	Library Books	\$552.88
	Annual Member Dues	\$85.00

JMS Millwright	Crane Work	\$877.50
Kriz-Davis	Supplies	\$380.99
Lexington, City of	Utility Franchise Fees	\$34,268.36
Lexus	Utility Payments	\$24,195.62
Mac's Short Stop	Supplies	\$18.91
Mead/Big Valley Lumber	Cement	\$74.75
Michael Todd & Co	Supplies	\$341.56
Mid-Nebraska Printing	Copies	\$239.25
Nelson, Tom A	Boots Reimbursement	\$84.50
Peplitsch, Joe	Mileage	\$265.95
Petty Cash Fund	Replenish Petty Cash	\$44.52
Platinum Plus	Lodging:Mills, Hernandez	\$1,098.59
Platinum Plus	Supplies	\$181.59
Progressive Business Publication	Subscription:Payroll	\$230.00
S & W Auto Parts, Inc	Supplies	\$7.32
Schwan's	Concessions and Grocery	\$39.54
Service Master Mid Nebraska	Carpet Cleaning Admin Office	\$48.00
Soil Horizons	Analysis	\$200.00
Subway	City Mgr Meeting	\$11.44
Sun Mart	Concessions/Grocery	\$24.54
Wal-Mart	Misc Supplies	\$134.95
Ward Laboratories	Lab Test	\$12.00
	TOTAL	\$297,990.81

PUBLIC COMMENT PERIOD:

Maggie Salem, representing the “Lightning”, 10-and-under, Fastpitch Softball Team, addressed the City Council, thanking them for providing a Field to practice on, as well as, getting the Field ready to play on. Councilman John Salem introduced the players present. They were Rachel Davis, Renee’ Otero, Kristen Carter, Raphael Vasquez, Carla Vasquez, Megan Saunders, Marissa Richman, and Maggie Salem. Two players were absent. Council Salem was the Coach of this team, and commented on their sportsmanship, manners, and on how well they represented Lexington.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Peplitsch addressed the City Council, requesting their approval of declaring Redevelopment Area #2 to be substandard and blighted. Following discussion, Mayor Fagot closed the Public Hearing.

RESOLUTION:

Following the reading of Resolution Number 02-12, moved by Klamm, seconded by Salem, to approve Resolution Number 02-12. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-12

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 begin at least ten (10) days prior to the Public Hearing held July 23, 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. 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.
3. 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.
4. 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 23rd day of July, 2002

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST

Shirley Lewis
Deputy City Clerk

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Shane and DeeAnn Sage were present to request Council's approval of an Ordinance rezoning property located at 3305 N. Adams, Lexington, NE, from A-1 to R-1. Following discussion, Mayor Fagot closed the Public Hearing. An Ordinance entitled "AN ORDINANCE TO REZONE ROCK SUBDIVISION FROM A-1 AGRICULTURAL TO R-1 SINGLE FAMILY RESIDENTIAL 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 the 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 Tomasek, Salem, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2160 on Final Reading. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

SUBDIVISION REQUEST:

The following Resolution was read before Council. Moved by Klamm, seconded by Salem, to approve Resolution Number 02-13. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION 02-13

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

That the plat of ROCK SUBDIVISION, of part of the Northeast Quarter (NE1/4) of Section Thirty (30), Township Ten (10) North, Range Twenty-One (21) West of the 6th P.M., in 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.

PASSED AND APPROVED this 23rd day of July, 2002.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

14th STREET PAVING:

Dana Daniels, representing Miller and Associates, addressed the City Council, requesting their approval of the plans and specifications for the paving of 14th Street, between Tyler and Jefferson Streets. Following Mr. Daniels' presentation, moved by Klamm, seconded by Salem, to approve the plans and specifications for the paving of 14th Street, between Tyler and Jefferson Streets, and authorize the advertising of bids for said project. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

ORDINANCE:

Pepplitsch addressed the City Council requesting their consideration of an Ordinance to prohibit parking along an area of west 13th Street. Following Pepplitsch's presentation, an ordinance entitled "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING ON 13TH STREET AT THE OPTIMIST PARK; TO REPEAL ORIGINAL SECTION 16-45 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 the Council. Moved by Klamm, seconded by Salem, to approve said Ordinance on First Reading. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

FINANCIAL REPORT:

Pepplitsch addressed the City Council requesting their acceptance of the Financial Report for June, 2002. Following discussion, moved by Salem, seconded by Klamm, to accept the Financial Report for June, 2002. Roll call. Voting "aye" were Tomasek, Cook, 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