

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 14, 2003 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. Department Heads present were Charlie Clark, Barb Mills. Also present were two Boy Scouts, the Principal of Morton Elementary Mrs. Yolanda Chavez Nuncho, and other concerned teachers and parents of the Morton Elementary School District.

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 Fagot.

**MINUTES – REGULAR
MEETING – 12-30-02:**

Minutes of the Regular Meeting that was held Tuesday, December 30, 2002 was presented for Council's consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held Tuesday, December 30, 2002 as presented. Roll call. Voting "aye" were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

**MINUTES – JOINT CITY
COUNCIL/SCHOOL BOARD
MEETING – 01-07-03:**

Minutes of the Joint City Council/School Board Meeting that was held Tuesday, January 7, 2003 was presented for Council's consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Joint City Council/School Board Meeting that was held Tuesday, January 7, 2003 as presented. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$793,045.31 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 \$173,478.55 from the General Fund, \$25,987.91 from Housing Reuse, \$558,733.54 from LEXUS, \$10,000.00 from City Sanitation, \$4.80 from Library Memorial, \$14,067.75 from Health Fund, \$10,772.76 from Meals on Wheels, to the City of Lexington's Operating Account. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
JANUARY 14, 2003 COUNCIL

Aflac	Supplemental Ins	980.52
All Points Cooperative	Propane	74.90
Alltel	Cellular Charges	52.92
Barco Municipal Products	Street Supplies	82.71
Bates, Lucille	Land Acquisition	1,200.00
Berntson Oil	Fuel	167.00
Bert Gurney & Associates	Flowmeter Svc	600.00
Broadwing Telecommunications	Long Distance Phone	282.06
Burklund, D.L.	Temporary Easement	250.00
Business & Prof Credit Mgmt	Util Collections/3 mos	176.80
C.B.S.A.	Emp Med Claims/Refunds	5,036.35
C.B.S.A.	Premiums	11,380.21
Cash-Wa Distributing	Food & Supplies	973.08
Central Garage Fund	Service/Supplies/Repairs	7,413.26
Cindy's Heavenly Cookies	Food & Supplies	8.28
Cooperative Extension	Training/School	20.00
Cozad Services Inc.	Jet Svc	320.00
Culligan Water Conditioning	Water Treatment	96.15
Dan's Sanitation	Sanitation Svc	10,383.44
Dawson County Clerk	Dispatch Fees	7,465.94
Dawson County Handibus	Transportation	170.00
Dawson County Public Power	Power Service	2,036.29
Eagan Supply Company	Non-Dept Supplies	306.36
Electronic Gaming Monthly	Subscription	19.97
Eustis Body Shop	Car Repairs	526.67
Fagot Refrigeration & Electric	Repairs	1,006.76
Fagot, John	Reimbursement	409.04
Farmer Brothers Coffee	Meal Supplies	47.67
Fisher Scientific	Testing Supplies	533.70
Five Point Bank	Copier Pymt	205.12
Fox Bros. Hay Co. Inc.	Grinding Wood	525.00
Fransyl Equipment Co.	Electric Supplies	302.44
Gall's Inc.	Police Supplies	30.35
Gary's Detail Shop	Detail Cars	20.00
Gillette Dairy	Dairy	382.72
G-Neil	Tax Forms	29.36
Great Plains One-Call Svc	Locates	30.83
G-Tec	Central Garage Supplies	400.00
Harker's	Food & Supplies	360.70
Hipp Wholesale Foods, Inc	Food & Supplies	1,665.96
Hometown Leasing	Copier Pymt	544.60
Human Resources Council	Seminar	199.00
Ingram Library Services	Library Supplies	358.10
Insurance & Personnel Svc	125 Admin Fees	397.44
Jerry's Sport Center	Police Supplies	40.59
Jones Plumbing & Heating	WR Supplies	304.32
Kinder Morgan	Gas Service	4,226.14
KRVN-FM	Advertising	60.00
League of Nebraska Municipalities	Conference/Workshop	150.00
Lexington Animal Clinic	Animal Care	455.95
Lex Area Solid Waste Agency	Waste Service	783.36
Lexington Health Fund	Self-Funding	25,239.50
Lexington Newspapers Inc	Publications	217.61
Lexington Postmaster	Postage/GGC	150.00
Lexington Public Library	Replenish Petty Cash	21.75
Lexington Truck & Auto	Central Garage Supplies	47.78

Lexington True Value	Misc Supplies	16.35
Lexington, City of	Monthly Chgs	23,873.97
Linweld	Oxygen	45.40
LEX CITY PAYROLL ACCT.	WAGES	79,047.73
SOCIAL SECURITY	SOC SEC(EMPLR PRTN)	5,937.99
FIRST NATIONAL BANK	EMP PNSN(EMPLR PRT)	2,585.31
AMERICAN FUNDS	PLC PNSN(EMPLR PRT)	1,198.58
I.C.M.A.	EMP PNSN(EMPLR PRT)	215.38
Manager's Edge	Subscription	97.00
Martin Electric	Fire Hall Repair	314.40
Mead/Big Valley Lumber	Misc Supplies	815.24
Mid-Nebraska Printing	Office Supplies	383.83
Midwest Right of Way Svcs, Inc.	Street Services	3,150.00
Miller & Associates	Retainer Services	800.00
Natural Resources	Trees	96.00
Nebraska National Bank	Mail Machine Lease	361.56
Nebraska Public Power District	Power Service	433,031.18
Nebraska Safety Council	Safety Services	5.00
Nebraska State Recycling Assoc	Membership	250.00
Nebraska Tech & Telecomm, Inc.	Phone Service	2,148.61
Nebraska Waste Handlers	Sludge Removal	2,993.00
Neopost	Postage	1,500.00
Olsson Associates	Electric Studies	8,956.32
Omaha Slings Inc.	Electric Supplies	289.10
Ourada, Deb	Reimbursement	25.39
Patty's Hallmark	Misc Office Supplies	158.25
Platte Valley Communications	LPD Cnsl/LVFD Radios	90.00
Plum Creek Cleaners	Dry Cleaning	116.00
Qwest	Phone Service	265.79
S&W Auto Parts	Electric Supplies	326.29
Seward, Randell	Cleaning	400.00
Sheet Music	Subscription	19.94
Simon & Schuster	Book Order	353.38
Summit Supply Corporation	Park Supplies	2,126.00
Sunmart #763	Food & Supplies	32.71
Tasc	125 Plan	100.00
The Old 101 Press	Book Order	18.95
Tri-County Hospital	Wellness/Fitness	220.00
Usher Pest Control	Pest Control	27.00
Value Line Publishing	Library Survey	598.00
Wal-Mart	Misc Supplies	136.69
Warehouse Surplus	Misc. Supplies	16.00
Wesco Distribution Inc	Electrical Supplies	2,525.21
Willard Weinhold Law Office	Lawyer Services	1,669.25
Alloy Specialty Contracting LLP	Inspection	2,125.00
Barco Municipa; Products	Speed Signs	376.63
Cash-Wa Distributing	Food Supplies	750.20
CBSA	Employee Claims	7,545.54
DEMCO	Office Supplies	63.05
Electric Fixture	Sewer Supplies	22.12
Fagot Refrigeration & Electric	Rehab Repairs	3,090.41
Gillette Dairy	Dairy	90.38
Government Finance Officers Assn	Training	80.00
Housing Auth-City of Lexington	Testing/Inspection	450.00
Hubbard Insulation	Rehab Repairs	9,604.64
Ingram Library Services	Library Supplies	20.62

Jeffrey Contracting	Rehab Repairs	13,292.86
Kinder Morgan	Gas Service	1,063.17
Lexington Public Library	Petty Cash	12.80
Lincoln Journal Star	Subscription	136.40
Lundeen-Isaacson	Vehicle Insurance	534.00
Mid-Nebraska Food Bank	Food Supplies	118.84
Mid-Nebr Printing & Ofc Supplies	Office Supplies	27.20
Miller & Associates	Survey	237.00
Nebraska Dept of Revenue	Sales & Use Tax	29,993.40
Nebraska Library Association	NLA Membership	45.00
Nebraska Tech & Telecomm, Inc.	Phone Service	122.95
Nebr Tech Transfer Center	Training	75.00
Nelson, Margie	City Hall Cleaning	500.00
Olsson & Associates	Training	75.00
Omaha Slings, Inc.	Electric Supplies	262.62
Omaha World Herald	Subscription	143.00
Patty's Hallmark	Office Supplies/Repairs	616.05
Petty Cash Fund	Petty Cash	35.67
Wal-Mart	Misc. Supplies	217.38
Wesco Distribution, Inc.	Electric Supplies	1,801.88
Will Weinhold Trust Account	Land Acquisition	53,011.00
	TOTAL	793,045.31

PUBLIC COMMENT PERIOD:

Boy Scouts Corey Jurgensen, and Jake Hoffmaster, introduced themselves. Corey is in the process of obtaining his Communications Merit Badge, and Jake is in the process of obtaining his Communications and Citizenship in the Community Badges.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mr. Mark A. Gutierrez addressed the City Council requesting approval of a new manager application for a Class H Liquor License at the Fraternal Order of Eagles #2922, located at 113 W. 5th, Lexington, NE. Questions were raised about his criminal charge of 3rd degree assault. Mr. Guitierrez stated that the charge was reduced to disturbing the peace, and has since been resolved. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Cook, to recommend approval of the New Manager Application for a Class "H" Liquor License, for Fraternal Order of Eagles #2922, located at 113 W. 5th, Lexington, NE. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm, Fagot. Motion carried.

MORTON ELEMENTARY SCHOOL:

Shelly Quevedo, a First-Grade Teacher at Morton Elementary School, addressed the City Council, presenting them with a request on behalf of the students and families of Morton Elementary. Following Ms Quevedo's presentation, three parents, Mr. Angel Dones, Mr. Ronnie Ihde, and Ms. Deb Broussard, requested a One-Way Street be provided on Lincoln Street, in front of Morton Elementary between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, with the traffic traveling from the North to the South. Following their request, Mayor Fagot stated that this will be taken under advisement, and will discuss it further with the School at the next Joint Meeting.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Pepplichtsch addressed the City Council presenting them with the Blight and Substandard

Determination Study for Redevelopment Area #1. Following Peplitsch's presentation, Mayor Fagot closed the Public Hearing.

RESOLUTION:

A Resolution entitled "A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA, MAKING FINDINGS REGARDING THE CONDITION OF CERTAIN REAL PROPERTY; AND DECLARING THE SAME TO BE BLIGHTED AND SUBSTANDARD AS PROVIDED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW" was read before the Council. Moved by Klamm, seconded by Salem, to approve Resolution Number 03-01 as presented. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION 2003 – 01

A RESOLUTION OF THE CITY COUNCIL OF LEXINGTON, NEBRASKA, MAKING FINDINGS REGARDING THE CONDITION OF CERTAIN REAL PROPERTY; AND DECLARING THE SAME TO BE BLIGHTED AND SUBSTANDARD AS PROVIDED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW

WHEREAS, it is desirable and in the public interest that the City of Lexington, Nebraska, a municipal corporation and City of first class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statute of 1942, as amended, known as the Community Development Law, is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with the laws of the State of Nebraska applicable to cities of the first class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943, and

WHEREAS, the planning and zoning commission of the City has recommended that the area described in Attachment "A" be declared blighted and substandard and in need of redevelopment; and

WHEREAS, this Council has held a public hearing, after notice as required by Sections 18-2109 and 18-2115, R.R.S 1943 and has received and duly considered evidence relating to the present condition of the areas as shown and described on Attachment "A"; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, required that, prior to the preparation by the City of an urban redevelopment plan for a redevelopment project, this Council as governing body of the City, by resolution, find and determine that the area is a substandard or blighted area as defined in said urban Renewal and Redevelopment law, and in need of redevelopment; and

WHEREAS, the evidence demonstrates that said area as shown and described on Attachment "A" constitutes a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

1. That it is hereby found and determined that the area described on Attachment "A" constitutes a substandard and blighted area as defined by Section 18-2109. R.R.S. 1943, as amended, and that said area is in need of redevelopment.

2. That it is hereby found and determined that a substandard and blighted condition exists as set forth and discussed in Attachment "B", "Blight and Substandard Study".

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 an urban redevelopment project under the provisions of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

Passed and approved this 14th day of January, 2003.

CITY OF LEXINGTON,
DAWSON COUNTY, NEBRASKA

BY: John Fagot
Mayor

ATTEST:

Shirley Lewis
City Clerk - Deputy

APPROVED AS TO FORM:

Willard Weinhold
City Attorney

APPOINTMENTS:

Mayor Fagot addressed the City Council requesting their approval of his recommendations to the following Boards and Commissions:

Board of Adjustment: John Knapple

Airport Authority – Steve Atwood, and Dwayne Margritz replacing Joe Masten

Civil Service – Ted Harvey

Board of Health – Mayor John Fagot, City Manager Joe Peplitsch, Chief of Police Charles Clark, City Physician Dr. Acosta-Carlson, and Environmental Health Officer Thomas R. Nelson

Housing Authority – Jeannie Gutierrez

Library Board – Linda Miller, and Josephine Rodriguez replacing Cliff Foster

Planning Commission – Toby Owens, Jim Hain replacing William Grant, and Charlene West

Tree Board – Dave Stenberg, and Tim Boyle

Lexington Community Facilities Agency – Mayor John Fagot, City Manager Joe Peplitsch, and City Councilman John Salem

Moved by Klamm, seconded by Tomasek, to ratify the Mayor’s appointments to the Boards and Commissions as presented. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Tomasek, to enter into Executive Session at 7:59 p.m. for the purpose of discussing purchase of land. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to reconvene Regular Session from Executive Session at 8:37 p.m. Roll call. Voting “aye” were Cook, Salem, 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

