

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 8, 2003 at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> 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 Head present was Barb Mills.

**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 – 3-25-03:** Minutes of the Regular Meeting that was held Tuesday, March 25, 2003 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held March 25, 2003 as presented. Roll call. Voting “aye” were Klamm, Tomasek, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$765,695.66 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$142,695.45 from the General Fund, \$18,508.88 from Housing Reuse, \$575,894.14 from LEXUS, \$10,000.00 from City Sanitation, \$4,575.79 from Landfill, \$215.00 from Library Memorial, \$6,631.80 from Health Fund, and \$7,174.60 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
April 8, 2003

Ackerman Arlan	OOR Program/Construction	\$8,000.00
Aguilera, Antonio	Incidental Payment	258.45
Alltel	Cell Phone Service	106.06
B.P.C.M.	Collections	236.04
Barco Municipal Products	Water & Sewer Supplies	576.95
Berntson Oil	Fuel/Oil	2,960.20
Best Books	Library Supplies	361.32
Best Way, Inc.	Uniform Expense	332.80
Bill's Farm and Ranch Services	Grass Seed	300.00
Broadwing Telecomm. Inc	Phone Services	316.19

Brown Traffic Products	Electrical Supplies	793.47
Orscheln Farm & Home	Misc Supplies	446.72
Case Credit	Central Garage Supplies	596.94
Cash-Wa Distributing	Food & Supplies	353.23
CBSA	Employee Medical Claims	3,791.18
CBSA	Medical and Life and Admin Fees	11,860.66
Central Garage Fund	Gas/Diesel/Labor/Parts/Oil	8,168.49
Certified Laboratories	Central Garage Supplies	175.82
City of Holdrege	Transformer	80.25
Culligan Water Conditioning	Water Treatment	160.85
D&R Computing	Office Supplies	49.99
Dan's Sanitation	Waste Removal	11,567.44
Dawson County Clerk	Dispatch Fees	7,465.94
Demco	Power	54.36
Diamond Vogel Paint	Paint Supplies	1,519.98
Eakes Office Products	Office Supplies	128.94
Earl May Nursery & Garden Center	Crabapple Trees	139.98
Eiler's Machine & Welding	Park Supplies	31.80
Fagot Refrigeration & Electric	GGC-Service/OOR Program	3,843.20
Farmer Brothers Coffee	Food & Supplies	47.67
Five Points	Copier Pymt	205.12
Follett Software Co.	Office Supplies	124.82
The Gale Group	Library Supplies	158.68
Gary's Detail Shop	Car Wash	40.00
Gempler's, Inc.	Uniform Expense	89.85
Gillette Dairy	Dairy	159.27
Green Mufflers & Brake	Electrical Supplies	53.50
Harker's	Food & Supplies	473.44
Hipp Wholesale Foods, Inc	Food & Supplies	706.68
Holbein Lawn Service	Lawn Service	45.00
Holiday Inn	Lodging Expense	112.00
Hometown Leasing	Copier Pymt	544.60
Hubbard Insulation	OOR Program/Construction	6,738.68
Husker Ag Sales	Misc Supplies	101.21
Ingram Library Services	Library Supplies	633.21
Jim Phillips Construction	Repairs	616.00
Jones Plumbing	Svc/Supplies	90.92
Junior Library Guild	Books	204.00
Kearney Hub	Publications	200.00
Kendall & Sons LDT	Sewer Supplies	835.95
Kirby Sales & Service	Cleaning Supplies	49.50
Kriz-Davis Company	Restock Fee-Returned Connectors	26.59
Lakota	Meeting Expense	24.08
Leihs, Wesley	Land Lease Payment	2,250.00
Lexington Animal Clinic	Dog Services	399.95
Lexington Glass Co.	Glass Repair	15.00
Lexington Health Fund	Self-Funding	26,306.50
Lexington Newspapers	Publications	155.74
Lexington Postmaster	Postage	150.00
Lexington Public Library	Petty Cash-Postage	16.30
Lexington True Value	Sprinkler	75.40
Lexington, City of	Franchise/Mthly Charges	27,700.34
Lexington City Payroll	Wages	77,823.36
Social Security	Social Security (Employer Portion)	5,841.04
First National Bank	Employee Pension (Employer Port)	2,619.56
First National Bank	Police Pension (Employer Portion)	0.00

I.C.M.A.	Employee Pension (Employer Port)	215.38
Long, Marilyn Douglas	Land Acquisition	6,000.00
Lopez, Estardo	Electric Rebate	425.00
Mead Big Valley Lumber	Misc Supplies	24.00
Mid-Nebr Printing & Ofc Supplies	Office Supplies	241.65
Mid-States Units	Rental Expense	330.00
Milco Environmental Services, Inc.	Testing/Sampling	4,575.79
Miller & Associates	Retainer Services	800.00
Municipal Supply	Water Supplies	877.23
National Waterworks	Water Supplies	1,619.58
Nebr Habitat Conserv. Coalition	Membership Dues	1,000.00
Nebraska Library Association	Conference/Seminar	15.00
Nebraska Municipal Power Pool	Membership Dues	1,821.54
Nebraska National Bank	Lease Payment	361.56
Nebraska Public Power District	Power Service	432,755.59
Nebraska Safety Council	Educational Services	5.00
Nebraska State Historical Society	Microfilm	215.00
Nebraska Waste Handlers	Sludge Removal	2,774.00
Nelson, Margie L.	Cleaning	500.00
Neopost	Postage	1,500.00
Olsson Associates	35kv/12Mva/Adams Proj/Rate Rvw	14,939.84
Overton Sand & Gravel	Gravel/Sand	260.00
Patty's Hallmark	Misc Supplies	88.47
Paulsen Inc	Limestone/Concrete	3,816.14
Peak Interest	Meals	439.00
Platte valley Communications	Radio Repair/Maintanance	914.63
Plum Creek Auto Spa	Car Washes	4.50
Plum Creek Cleaners	Laundry Service	148.00
Plum Creek Promotions	3 on 3 Hoopfest Shirts	2,735.50
Precision Industries	Sewer Supplies	49.33
Quality Inn & Suites	Lodging/Conference	106.00
Quill Corporation	Office Supplies	29.93
Qwest	Telephone	306.13
Reams Sprinklers	Sprinkler Supplies	552.12
Royle Loren & Joyce	Relocation Payment	9,097.23
S&W Auto Parts, Inc.	Central Garage Supplies	419.17
Salem John	Reimb/Conf Expenses	130.68
Seward Randell	Cleaning/Library	400.00
T.O. Haas Tire Co. Inc.	Tube/Tire	38.58
TASC	125 Flex Plan	148.00
Taste of Home	Books	23.90
Total Lawn Care	Lawn Service	205.00
Trans-Lux	Scoreboard Repair	559.10
Tri-County Hospital	Wellness Dues	220.00
Utility Equipment	Water Supplies	1,967.75
Unique Books, Inc.	Library Supplies	46.25
Usher Pest Control	Monthly Svc	27.00
VanCleave Mike	Electric Rebate	700.00
Wal-Mart	Misc Supplies	505.95
Water Environment Federation	Membership Dues	85.00
Wesco Distribution	Park Supplies	5,803.68
West, Charlene	Reimb/Conf Expenses	33.80
Willard Weinhold Law Office	Lawyer Services	1,200.00
Ackerman, Terry	Travel Expense	21.70
Barmore's	Office Supplies	21.69
Barnes Distribution	Electric Supplies	107.24

Corp Benefit Services of America	Employee Claims	2,624.12
Dawson County Public Power	Electric Service	268.29
Dawson County Register of Deeds	Easement	5.50
Diamond Vogel Paint	Operating Supplies	129.75
Gnirk Lawn Care	Lawn Service	486.00
Great Plains One-Call Service	One-Call Service	71.00
Hertz Equipment Rental	Tool & Shop Maintenance	401.25
Holmes Plbg & Htg Supply Co	Water Supplies	199.51
Jensen, Deb	Conference & Seminars	26.25
Keim, Bob	Special Waste Expense	120.00
Kinder Morgan	Gas Service	3,226.04
Lexington True Value	Misc Supplies	22.85
Linweld	Oxygen	47.88
McDaniel, Christina	Uniform/Reimbursement	72.00
Mead/Big Valley Lumber	General Maintenance	13.12
Merchant JT&S	Education/Training	430.00
Moore Medical Group	Medical Supplies	1,265.76
Municipal Emergency Services	Fire Department Supplies	300.00
Nebraska Dept of Revenue	Sales Tax	30,953.03
Newman Traffic Signs	Street & Signs Markings	488.50
Patty's Hallmark	Printer Repair	35.00
Petty Cash Fund	Petty Cash	172.23
Plum Creek Medical Goup	Annual Physical	68.50
Reiber Gary	Electric Rebate	125.00
Royle, Loren & Joyce	Relocation Payment	293.47
Sunmart	Food Supplies	13.16
The Island Supply Company	Street Supplies	123.45
Wal-Mart	Operating Supplies & Expense	15.48
Wesco	Electrical Supplies	1,179.68
	<b>TOTAL</b>	<b>765,695.66</b>

**PUBLIC COMMENT PERIOD:**

Mr Jorge Zamudio addressed the City Council requesting their consideration in allowing a brick fence/wall to be constructed above the four foot maximum height, as required by Lexington City Code, on property located at 211 East 5th. Mr. Zamudio was informed that this was not a matter for Council to handle. City Staff has declined Mr. Zamudio's request.

City Council welcomed Boy Scout Matt Miller, to the City Council Meeting. Matt is in the process of obtaining his Communication Badge.

**PUBLIC HEARING:**

Mayor Fagot opened the Public Hearing. CRA Attorney Mike Bacon addressed the City Council regarding the Redevelopment Plan for Redevelopment Area #1. Following Mr. Bacon's presentation, Mayor Fagot closed the Public Hearing.

**RESOLUTION:**

CRA Attorney Mike Bacon, presented the City Council with a Resolution approving Redevelopment Area #1 Redevelopment Plan and making findings with regard to such plan. Following discussion, the Resolution was read before the Council. Moved by Klamm, seconded by Tomasek, to approve Resolution No. 03-03. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION NO. 03-03**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING REDEVELOPMENT AREA # 1 REDEVELOPMENT PLAN AND MAKING FINDINGS WITH REGARD TO SUCH PLAN.

WHEREAS, the City of Lexington, Nebraska a municipal corporation has determined it to be desirable to 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, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, The City has previously declared an areas of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, The Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority"), has prepared a Redevelopment Plan [Redevelopment Area #1 Redevelopment Plan] pursuant to Section 18-2111 of the Act: and

WHEREAS, the Lexington Planning Commission reviewed the Redevelopment Plan pursuant to the Act and, pursuant to Section 18-2114 of the Act, recommended approval of the Redevelopment plan to the City; and

WHEREAS, following consideration of the recommendations of the Planning Commission to the City, the Mayor and City Council held a public hearing on April 8, 2003, pursuant to notice as required by law; and

WHEREAS, there has been presented for approval a specific Redevelopment Project and Redevelopment Plan;

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lexington, Nebraska:

1. The Redevelopment Plan as contained in the form attached to this Resolution as Exhibit A is hereby determined to be feasible and in conformity with the general plan for the development of the City of Lexington as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act;

2. The Mayor and City Council specifically find, as follows:

(a) The projects described in the redevelopment contract and plan attached thereto, would not be economically feasible without the use of tax-increment financing;

(b) The projects would not occur in the Redevelopment Area without the use of tax-increment financing; and

(c) The costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long term best interests of the community impacted by the project.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the redevelopment project specified in the plan, namely

Lot 1 Fertitta Addition to the City of Lexington, Dawson County, Nebraska, and Lots 1, 2, 3, 4, 5, and 6, Cattlemen's Addition to the City of Lexington, Dawson County, Nebraska, shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2004.

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

5. The execution and delivery to the County Treasurer and Assessor, the Notice of Allocation of Taxes which is attached hereto and marked as Exhibit B, is hereby ratified and confirmed.

Passed and approved this April 8, 2003

CITY OF LEXINGTON, DAWSON  
COUNTY, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**ELECTRIC LINE  
RELOCATION:**

Ken Fairchild, representing Olsson Associates, addressed the City Council, reviewing with them the plans and specifications for electric line relocation associated with the Adams Street Viaduct Project. Following Mr. Fairchild's presentation, moved by Klamm, seconded with Salem, to approve the plans and specifications for electric line relocation associated with the Adams Street Viaduct Project and authorize advertisement for bids. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

**15 MVA SUBSTATION  
ADDITION:**

Ken Fairchild, representing Olsson Associates, addressed the City Council, reviewing with them the plans and specifications for 15 MVA Substation Addition. Following Mr. Fairchild's presentation, moved by Klamm, seconded by Tomasek, to approve the plans and specifications for 15 MVA Substation Addition and authorize advertisement for bids. Roll call. Voting "aye" were Salem Tomasek, Klamm, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch addressed the City Council requesting their approval of pay request #3 from Kayton Electric, Inc., on the 34.5 East Feeder Rebuild Project. Following discussion, moved by Salem, seconded by Klamm, to approve Pay Request #3 to Kayton Electric, Inc., in the amount of \$13,140.00, for the 34.5 East Feeder Rebuild Project. Roll call. Voting "aye" were Tomasek, Klamm, Salem, Fagot. Motion carried.

**AGREEMENT:**

Peplitsch addressed the City Council requesting their approval of an agreement with Ciaccio Dennell Group for Architectural Service for the Lexington Public Library Project. Following discussion, moved by Klamm, seconded by Tomasek to approve the Agreement with Ciaccio Dennell Group for Architectural Service for the Lexington Public Library Project, with the stipulation that Section 11.5.1 be set at 24 months, and authorize the City Manager to execute said documents. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION:**

Peplitsch addressed the City Council requesting their approval of a Resolution directing the execution of deed conveying property to T.L. Sund Constructors, Inc. Following discussion, the Resolution was read before Council. Moved by Salem, seconded by Tomasek, to approve Resolution No. 03-04, directing the execution of deed conveying property to T.L. Sund Constructors, Inc. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION NO. 03-04**

WHEREAS, the City has by Ordinance No. 2166 approved the sale of the following described real estate owned by the City, to-wit:

The Southwest Quarter of Block 8, in MacColl's Addition to the Town of Plum Creek, now City of Lexington, Dawson County, Nebraska;

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to T.L. Sund Constructors, Inc. the purchaser thereof.

PASSED AND APPROVED this 8th day of April, 2003.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**NEBRASKA COMMUNITY  
IMPROVEMENT  
PROGRAM:**

Peplitsch addressed the City Council requesting approval of a Resolution declaring the City of Lexington as an entrant in the NCIP for 2003 and 2004. Following discussion, the Resolution was read before Council. Moved by Klamm, seconded by Tomasek, to approve Resolution 03-05 declaring City of Lexington as an entrant in the NCIP for 2003 and 2004. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 03-05

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the City Council of the City of Lexington do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEXINGTON, to urge its citizens to join this effort and hereby declares this City to be an official entrant in the NCIP for 2003 and 2004.

PASSED, APPROVED, AND ADOPTED THIS 8<sup>th</sup> DAY OF APRIL, 2003.

John Fagot, MAYOR

ATTEST:

Shirley Lewis, Deputy City Clerk



**EXECUTIVE SESSION:**

Moved by Salem, seconded by Klamm, to enter into Executive Session from Regular Session at 7:59 p.m. for the purpose of discussing personnel. Roll call. Voting "aye" were Tomasek, Klamm, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Klamm, to reconvene Regular Session from Executive Session at 9:01 p.m. Roll call. Voting "aye" were Tomasek, Klamm, Salem, Fagot. Motion carried.

**ORDINANCE:**

Discussion was held regarding an Ordinance appointing a City Manager. An Ordinance entitled "AN ORDINANCE APPOINTING A CITY MANAGER; 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 Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2168 on Final Reading. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**AGREEMENT:**

A Work Agreement between the City Council and the City Manager was presented for approval. Moved by Klamm, seconded by Tomasek, to approve the Work Agreement with the City Manager, and authorize the Mayor to sign said document. Roll call. Voting "aye" were 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.

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Lexington Deputy City Clerk