

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 25, 2000 at the Lexington Municipal Building, 406 East 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Neal Kohl, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon E. Malzahn, City Attorney Willard Weinhold, City Manager Vance Bricker. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills. Citizens in attendance were Jim Doyle, Jerry Brown, Seven Boy Scouts working on Merit Badges for Citizenship, Rick Walton, Brad Larson, Wes Lubberstedt, Patty Johnson, William Ashmore, David Selk, Chuck Mooberry, Laurie Weston, Rudy Penskey, Greg Lauby, Wayne Weston, and many other citizens with an interest in items on the Agenda.

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 – 1-11-00: Minutes of the Regular Meeting held January 11, 2000 was presented for Council’s consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held January 11, 2000 as presented. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

MINUTES – SPECIAL MEETINGS – 1-15-00: Minutes of the Special Meetings held January 15, 2000 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Wightman, to approve the minutes of the Special Meetings held January 15, 2000. Roll call. Voting “aye” were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$225,561.67 were presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Wightman, seconded by Klamm, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$79,077.49 from the General Fund, \$94,741.30 from the LEXUS Fund, \$19,433.25 from City Sanitation Fund, \$5,503.20 from the Landfill Fund, \$19,518.54 from the Health Fund, \$7,287.89 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
JANUARY 25, 2000 COUNCIL

ACE AUTO BODY	TOW POLICE CAR	45.00
AFLAC	CANCER PREMIUM	701.58
ANCESTRY	LIBR SUBSC RENEWAL	21.00
AWARDS PLUS	PLAQUES - AWARDS BANQUET	108.15
AXIS CAPITAL, INC.	MAIL MACHINE LEASE	283.31
BARMORE'S	MOD JACK AND FUSES	10.96

BARET-HOUSL-GRFTN	WORK COMP AUDIT	107.00
BERNTSON OIL	GAS AND DIESEL	2,369.80
BENEFIT PLANS INC.	FORMS PREP POLICE PENSION	25.00
BOHANNAN CO., THE WILSON	PADLOCKS	271.30
CASH-WA	FOOD AND SUPPLIES	984.44
CENTRAL GARAGE FUND	UNIT REPAIRS	2,486.17
CHESTERMAN CO.	GGC POP	53.70
CLINE'S SMALL ENGINE REPAIR	CHAIN SAW BAR AND CHAIN	61.10
COAST TO COAST	FURNACE FILTERS	28.79
COMPUTERS BY HAMPTON	INTEL 466 COMPUTERS	3,880.00
COUNTRY GENERAL	MISC. TOOLS & BAR AND CHAIN	84.05
C.B.S.A.	EMPLOYEE MEDICAL	17,093.18
C & S TRUCK & SALVAGE INC.	MISC PARTS	3.00
D & R COMPUTING	CLEAN PRINTER	50.00
DAWSON CO PUBLIC POWER	JANUARY POWER	1,929.31
DAWSON COUNTY SURVEYOR	COPIES FOR YEAR 1999	68.00
DAN'S SANITATION	SOLID WASTE	644.44
DEMCO	LABELS	30.05
DESIGNER CRFT WDWORING	GROMMETS	15.25
DUTTON-LAINSON COMPANY	CONDUCTORS	60.07
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	133.75
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	495.42
ELECTRONIC SYSTEMS	FIRE ALARM INSPECTION	25.00
FAGOT REFR & ELECTRIC	BURNER PRICE ADJUSTMENT	41.68
GEN TRAFFIC CONTROLS, INC.	DOOR FOR CABINET	60.40
GILLETTE/NE DAIRIES INC.	DAIRY	248.90
GR ISLAND INDEPENDENT, THE	RENEW PAPER FOR LIBRARY	140.75
GR PLAINS ONE-CALL SERVICE	DECEMBER LOCATES	45.84
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HIPP WHOLESALE COMPANY	FOOD AND SUPPLIES	765.15
HILTI, INC.	CONCRETE BLADE	621.55
INS & PERSONNEL SERVICES	EMPLOYEE MEDICAL	1,646.78
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	600.38
J/J ELECTRIC	INSTALL SUB-PANEL FOR GEN	1,085.50
KARRE'S CITY BAKERY	ROLLS FOR WORKSHOP	15.10
KAPCO	BOOK JACKET COVERS	23.94
K N ENERGY, INC	GAS ENERGY CHARGES	4,282.20
KRIZ-DAVIS COMPANY	SOLID DISCONNECTS	642.83
LEXINGTON COOP	CAR WASHES	14.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	40.61
LEXINGTON NEWSPAPERS, INC.	NOTICES	560.05
LEXINGTON TRUCK & AUTO	BRAKES	168.10
LEXINGTON GLASS CO.	REPLACE DOORS CITY OFFICES	3,180.00
LASWA	SOLID WASTE	48.60
LEX CITY PAYROLL ACCT.	PAYROLL 1/13/2000	74,477.18
SOCIAL SECURITY	SOC SEC(EMPLOYER PORTION)	5,617.78
AMERICAN FUNDS	POLICE PENS(EMPLOYER PORT)	1,085.37
I.C.M.A.	EMP PENS(EMPLOYER PORT)	99.70
LEX RECREATION PROGRAM	5TH & 6TH GR WNTR BSKTBALL	320.00
MEAD/BIG VALLEY LUMBER	LUMBER AND SCREWS	213.68
MIDWAY SUPPLY	PARTS AND FIBERGLASS KIT	69.57
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	3,155.45
MID-NEBRASKA FOOD BANK	GGC FOOD ORDER	59.00
MULLENDORE, ROBERT A., PE	REMOTE PRINTER ADDITION	717.81
NEBRASKA MACHINERY	MISC. PARTS	448.86
NEBRASKA LIBR COMMISSION	SEWARD, RUTH 2000 MBRSHIP	15.00

OLD COMINION BRUSH	FRESH AIR FILTER	76.94
OVERTON COMMUNITY CENTER	JANUARY RENT	100.00
OWENS, TOBY	ELECTRIC REBATE	1,200.00
PATTY'S HALLMARK	OFFICE SUPPLIES	181.31
PAULSEN INC.	CONCRETE	754.08
PEPLITSCH, JOE	MILEAGE 12/15/99-1/5/00	169.57
PLATTE VALLEY AUTO MART	CAR WASHES	10.00
PLATTE VALLEY COMM	SCADA RADIO & RADIO REPAIRS	322.80
PLUM CREEK MEDICAL GROUP	FLU SHOTS & DOG BITE INJURY	77.00
PLUM CREEK PROMOTIONS	AWARD BANQUET SUPPLIES	59.50
PLUM CREEK MOTORS	FUEL INJECTOR	1,650.00
PLUM CR TELEPHONE SYSTEMS	TELE JACKS & HOUSINGS	200.00
PRICE'S TREE SERVICE	STUMP REMOVAL	594.00
PRINTING PRESS, THE	TIME SHEETS/ WARNING BOOKS	467.63
PRYOR RESOURCES, INC.	MILLS, HEATHER - SEMINAR	59.00
QWAL LABORATORIES INC.	LANDFILL LAB EXPENSES	2,445.00
REIMAN PUBLICATIONS	LIBR SUBSCRIPTION RENEWAL	11.98
READER'S DIGEST ASSOC INC	LIBR SUBSCRIPTION RENEWAL	24.76
SAV A LOT DISCOUNT FOODS	GGC FOOD ORDER	14.14
SCHMALZRIED, ROBERT	ELECTRIC REBATE	1,300.00
SHEET MUSIC	LIBR SUBSCRIPTION RENEWAL	18.97
S & W AUTO PARTS, INC.	MISC. PARTS	147.56
U S FILTER DISTRIBUTION GR	WATER METERS	1,186.30
U-SAVE FOODS, INC.	FOOD AND SUPPLIES	181.40
VETERANS CLUB	AWARDS BANQUET MEALS	2,625.00
VINTON VITAL SYSTEMS, INC.	PACE-TECH WITH PRINTER	2,840.00
WAL-MART	MISC. SUPPLIES	470.44
WESCO DISTRIBUTION, INC.	PDSTLS-CLAMPS-INSULATORS	7,837.64
WOLF, TRACY	REIMBR FIRARMS INSTR FEES	10.00
YOUNG & MODERN	LIBR SUBSCR RENEWAL	13.97
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES GGC	1,029.80
CHURCHICH REC DESIGN	WOOD PICNIC TABLES	3,286.00
DAN'S SANITATION	UTILITY BILLING SOLID WASTE	19,433.25
FAIRBANKS INT, INC.	TRACTOR REPAIR	319.60
FLOOR SHINE	CLEAN FLOORS AT FIRE HALL	65.00
KRIZ-DAVIS COMPANY	200 KVA TRANSFORMER	7,262.24
LEXINGTON NEWSPAPERS INC.	MISC. NOTICES	376.85
LEXINGTON, CITY OF	FRANCHISE FEES	23,805.12
LEXUS	JANUARY UTILITY CHARGES	11,962.63
MID-STATES UNITS	OUTDR UNIT-GRNWOOD CEM	90.00
NAT INF DATA CENTER	NAT ZIP CODE & P.O. DIR	48.90
PARROTT, MATT AND SONS CO.	W-2'S AND 1099'S	152.89
PETTY CASH FUND	REPLNSH PTY CASH CITY OFCS	89.30
	TOTAL CLAIMS	225,561.67

CITIZENS COMMENTS:

During the Citizens Comments, Mr. David Selk addressed the Lexington City Council requesting that IBP be placed in the City Limits to help with the call on property taxes. He further asked for information pertaining to the lawsuit with air and water quality that IBP is involved in.

Mr. William Ashmore addressed the Council stating that IBP is doing their part to control the smell. This ended the citizens comments, and no action was taken.

**SUNDAY LIQUOR
REQUEST:**

Mr. Greg Lauby, representing the Licensed Bottle Club Owners in Lexington, addressed the Council stating that anyone wishing to have a drink on Sunday may do so by driving just south over to Kirkpatrick's. He further explained that Sunday Alcohol could be purchased by the drink at any of the golf courses in the surrounding towns. He therefore, requested the Council pass this ordinance allowing the sale of alcohol at the Licensed Establishments, so they have a fair advantage with merchants in the surrounding area. Mr. Chuck Mooberry also addressed the Council stating approximately the same thing, that Kirks, the Vets Club, and the Eagles Club, are open. He also stated that last year, Valentine's Day was on Sunday, a day when, normally, people would like to go out and have a drink, but were unable to do that in Lexington. There is also the possibility of motel guests staying over night on Sunday evening may like to have a drink, and would be required to go out of town to get this. Also speaking in favor of the Ordinance, was Brad Larson, from Strike and Spare Bowl, and Juan Lazo, operator of El Tropico, who stated that weddings, dances, and birthdays, may occur on Sundays, since Saturday is a work day for a lot of his clientele, and it would be a good day for business for him. Also speaking in favor of Sunday Liquor by the drink, was Adolfo Florez. Speaking in opposition was William Ashmore, who stated that the Police Officers have their hands full on Saturday evenings, and do not need to extend this to Sundays. Also speaking against, was Dr. Wayne Weston, who apologized for not being prepared to speak on this subject. Upon completion of citizens' comments, Council Person Kohl stated that if an Ordinance was presented for liquor to be dispensed by the drink on Sundays between 5:00 p.m. and 10:00 p.m., he may be in favor of it. Upon completion of discussion, City Attorney was instructed to prepare an Ordinance with those hours for dispensing of alcohol. No further action was taken.

FINANCIAL REPORT:

The Financial Report for December, 1999, was presented to the City Council. Various statistics regarding income and expenses, and sales tax revenues were discussed. Upon completion of the presentation, moved by Klamm, seconded by Kohl, to accept the Financial Report for December, 1999, for the City of Lexington. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

The Lexington City Council held a Public Hearing to receive input concerning the proposed Lexington Economic Development Plan. Mr. Jeff Konen addressed the Lexington City Council explaining the operation of the Lexington Economic Development Program, that would be used in Lexington, and the source of funds used by this program, coming from part of the 1% sales tax already being collected by Lexington. He further stated that the Lexington CED and Business owners are in favor of this type of program, and requested the Council look favorably upon presenting this issue on a ballot form to the electors. Also speaking on this matter was David Selk, who asked how much this would increase the taxes on a \$50,000 house. Mr. Selk was informed that this is not an additional tax, but a different use of part of the 1% sales tax already collected. Hearing no further comments, Mayor Fagot declared the public hearing closed.

**ECONOMIC
DEVELOPMENT
RESOLUTION NO. 00-01:**

Moved by Klamm, seconded by Kohl, that the following Resolution be passed the approved. Roll call. Voting "aye" were Cook, Wightman, Kohl, Klamm, Fagot. Motion carried.

RESOLUTION NO. 00-01

A RESOLUTION OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRAKSA, AUTHORIZING AND DIRECTING THAT A BALLOT

ISSUE BE PLACED ON A SPECIAL ELECTION OF MARCH 7, 2000 FOR CONSIDERATION BY THE ELECTORS OF THIS MUNICIPALITY TO CONSIDER THE ADOPTION OF THE LEXINGTON ECONOMIC DEVELOPMENT PROGRAM AS PRESENTED PER THE LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT.

WHEREAS, the growth of the economy of the City of Lexington is critical to the city's ability to grow and prosper in the future; and

WHEREAS, it is vital for Lexington to develop techniques that will encourage this necessary economic growth; and

WHEREAS, the Nebraska Legislature adopted the Local Option Municipal Economic Development Act giving cities the opportunity to use locally derived municipal revenues for economic and industrial development purposes; and

WHEREAS, this plan by state statute must include specific components, including the statement of a general economic development strategy; a statement of purpose describing general intent and goals; a description of the types of businesses and activities that will be eligible for assistance under the program; a description of the amount of funds to be collected from local sources; a statement of the length of time that the program will be in existence; a preliminary budget for the program; an application process for financial assistance to businesses; an administrative system for the program; a process to assure that laws and regulations are being met by municipalities and businesses; a process by which industrial lands might be identified for purchase; and a description of various detailed aspects of an economic development loan program; and

WHEREAS, to satisfy these requirements, the City of Lexington has caused the completion of an Economic Development Plan that meets these statutory requirements and presents a program that is appropriate to the needs of the community; and

WHEREAS, the Mayor and City Council desire to proceed with a local option municipal economic development program based upon this plan;

WHEREAS, the Mayor and City Council have held a public hearing regarding the adoption of an Economic Development Program using funds from existing local option sales tax;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF LEXINGTON THAT:

1. The attached Economic Development Program is adopted as the official Economic Development Program for the City of Lexington, pursuant to the requirements of Section 11 of the Local Option Municipal Economic Development Act of 1991; and
2. That this Plan shall be maintained on file with the City Clerk, who shall make it available for the public to review during regular business hours; and
3. It is the intent of the Mayor and City Council to place approval of a local option economic development program to implement this Plan before the voters of the City of Lexington on March 7, 2000.

4. That the County Clerk of Dawson County, Nebraska, is directed to submit to the voters of said City the following proposition:

Issue #1

“Shall the City of Lexington establish an Economic Development Program as described in its adopted Economic Development Plan by appropriating annually from local sources of revenue \$167,500.00 for 10 years?”

YES (For the Program)

NO (Against the Program)

Terms and Conditions of the Program.

A. The goals of the program shall be to create well-paying jobs for the citizens of Lexington; to expand labor markets of Lexington and Dawson County; to attract new capital investment to the community to broaden the tax base; to retain existing jobs and make existing businesses more competitive and profitable; and provide economic diversification to ensure economic stability and vitality for the City of Lexington and surrounding areas.

B. Funds for the program may be used for the following purposes: public works improvements, job credits, purchase or real estate, technical assistance, recruitment expenses, loans or grants for fixed assets or working capital, location expenses, loan guarantees, job training assistance, building rehabilitation, small business development, tourism, contracting for administration of program, issuance of bonds, and as otherwise established by Nebraska law.

C. The Program shall commence May 1, 2000, and end April 31, 2010, a ten (10) year period.

D. Collection of funds shall begin May 1, 2000 and end April 31, 2010.

E. The source from which funds are to be collected shall be 1/5 of the existing 1% City Local Option Sales Tax.

F. The total amount to be collected from the local sources of revenue for the Economic Development Program will be \$1,675,000.00 over a 10-year period, or \$167,500.00 annually.

Passed and approved this 25th day of January, 2000.

John Fagot
Mayor

Attest:

Leon E. Malzahn
City Clerk

ELECTION QUESTION:

After the reading of the following resolution, moved by Wightman, seconded by Klamm, that said Resolution be approved. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

RESOLUTION NO. 00-02

A RESOLUTION OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AUTHORIZING AND DIRECTING THAT A BALLOT ISSUE BE PLACED ON A SPECIAL ELECTION ON MARCH 7, 2000 FOR CONSIDERATION BY THE ELECTORS OF THIS MUNICIPALITY TO CONSIDER THE USE OF EXISTING SALES TAX REVENUE TO FUND THE LEXINGTON ECONOMIC DEVELOPMENT PROGRAM AS PRESENTED PER THE LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT.

WHEREAS, the Lexington City Council has approved the Lexington Economic Development Program Plan as authorized by the Local Option Municipal Economic Development Act; and

WHEREAS, said Local Option Municipal Economic Development Act authorizes the municipality to utilize city sales tax for the funding of said economic development program upon approval of the electors of the municipality.

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

1. There shall be submitted to the electors of the City of Lexington, at a special election to be held March 7, 2000, the issue of whether the City of Lexington should adopt an ordinance authorizing use of 1/5 of the existing 1% Local Option Sales Tax to fund the Lexington Economic Development Program.
2. That the County Clerk of Dawson County, Nebraska, is directed to submit to the voters of said City the following proposition:

Issue #2

“Shall the Mayor and the City Council of the City of Lexington, Nebraska, be authorized to use 1/5 of the existing 1% Local Option Sales Tax to fund the Lexington Economic Development Program to create jobs and ensure the economic stability and vitality of Lexington, Nebraska for a ten year period beginning May 1, 2000 and ending April 31, 2010.”

[] Yes [] No

Passed and approved this 25th day of January, 2000.

John Fagot
Mayor

Leon E. Malzahn
City Clerk

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Leon E. Malzahn

City Clerk

I, the undersigned 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 City Clerk