

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 22, 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, Rick Klamm, John Wightman, Neal Kohl, Ted. Cook. City Officials present were City Manager Joe Pepplichtsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Heads present were Charles Clark, Barb Mills, Ruth Seward. Also present was Bob Blankenship representing Miller and Associates. Citizens in attendance were Joe Rios, Connie Foster, Mr. and Mrs. Kermit Debban, Mr. and Mrs. Jerry Barnes, Denzel Mills, Jim Lundgren, and other concerned citizens. The Press was represented by the Clipper-Herald, KRVN, and the Kearney Hub.

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 John Fagot.

MINUTES – REGULAR MEETING - 8-8-00: Minutes of the Regular Meeting held Tuesday, August 8, 2000 was presented for Council's consideration and approval. Council Person Rick Klamm, moved to approve the Minutes of the Regular Meeting held August 8, 2000, with the exception of correcting the Call of Order to read "In the absence of Mayor John Fagot", instead of "In the absence of Mayor John Wightman". Seconded by Wightman. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

MINUTES – SPECIAL MEETING – 8-18-00: Minutes of the Special Meeting held Friday, August 18, 2000 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the Minutes of the Special Meeting held August 18, 2000, as presented. Roll call. Voting "aye" were Cook, Wightman, Kohl, Klamm, Fagot. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$863,831.45 for Council's consideration and approval. Upon review of the Claims and Bills as listed, moved by Kohl, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$86,961.12 from the General Fund, \$78,000.00 from the Ed Reuse Fund, \$656,110.09 from the LEXUS Fund, \$20,824.25 from City Sanitation, \$4,213.49 from the Landfill Fund, \$11,647.48 from the Health Fund, \$6,075.02 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Wightman, Cook, Klamm, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
AUGUST 22, 2000 COUNCIL

ABINGDON PRESS	LIBRARY BOOKS	49.43
AFLAC	CANCER PREMIUM	704.18
AGRIPLEX REAL ESTATE & APPR INC	APPRAISAL/CATTLEMEN DR	1,400.00

ALLTEL	CELLULAR PHONE	150.02
ASSOCIATED SUPPLY COMPANY, INC.	POOL SUPPLIES	103.11
BARNSTEAD/THERMOLYNE	SEWER SUPPLIES	1,823.73
BARTA, LLOYD	REFUND BLDG PERMIT	12.00
BERNTSON OIL	FUEL	2,114.90
BURKLUND, D. L.	ELECTRIC REBATE	1,100.00
BUSINESS & PROFESSIONAL CREDIT	COLLECTIONS JUNE 2000	144.99
CENTRAL GARAGE FUND	LABOR, PARTS & OIL	1,555.70
COAST TO COAST	MISC SUPPLIES	22.65
D & R COMPUTING	PRINTER SUPPLIES	55.99
DANKO EMERGENCY EQUIPMENT CO	FIRE DEPT SUPPLIES	33.54
DAWSON AREA DEVELOPMENT	ANNUAL BANQUET	122.50
DEPOSITORY TRUST CO.	97A & 97B INT AND PRINCIPAL	477,340.00
DIAMOND VOGEL PAINT	STREET DEPT SUPPLIES	22.67
EAKES OFFICE PRODUCTS	OFFICE SUPPLIES	398.21
EGAN SUPPLY COMPANY	FIRE DEPT SUPPLIES	137.85
EILERS MACHINE & WELDING	ELECTRICAL SUPPLIES	48.38
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	449.07
EUSTIS BODY SHOP	FIRE DEPT SUPPLIES	172.80
FAIRBANKS INTERNATIONAL INC.	PARTS	32.81
FLOOR SHINE	FIRE DEPT FLOORS	65.00
FRANSYL EQUIPMENT, INC.	ELECTRICAL DEPT REPAIRS	1,693.17
HARLEQUIN RETAIL INC.	LIBRARY BOOKS	10.52
I.A.E.I., NE CHAPTER	CONFERENCE - NELSON, TOM	104.00
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	490.87
INSURANCE & PERSONNEL SVC	EMPLOYEE'S 125 ACCT	1,197.34
INTERNATIONAL PAPER COMPANY	DISTRIB POLES--ELECTRIC DEPT	9,347.44
INTERNATIONAL TRANSFORMER CO INC	ELECTRIC REPAIRS	287.51
JERRY'S SPORT CENTER INC	RANGE TARGETS	122.98
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	3,369.96
LADIES' HOME JOURNAL	SUBSCRIPTION	16.97
LEX AREA SOLID WASTE AGENCY	SOLID WASTE	63.00
LEXINGTON COOP	CAR WASHES	10.50
LEXINGTON NEWSPAPERS, INC.	PUBLICATIONS	300.50
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	48.83
LEXINGTON, CITY OF	GEN FND--ADMIN -CDBG LOAN	3,000.00
PAYROLL 08-Aug-00	WAGES	87,107.59
SOCIAL SECURITY	EMPLOYER PORTION FICA/MED	6,586.20
FIRST NATIONAL BANK	EMPLOYER PORTION PENSION	2,269.10
AMERICAN FUNDS	POLICE PENSION	1,036.36
ICMA	PEPLITSCH PENSION	131.54
LINDEN, RON & JUDY	REFUND BLDG PERMIT	450.00
MAC'S REPAIR	MOWING/ABATEMENT NOTICE	75.00
MARTIN ELECTRIC	SEWER SUPPLIES	193.50
MATT FRIEND TRUCK EQUIPMENT	CENTRAL GARAGE SUPPLIES	50.95
MEAD/BIG VALLEY LUMBER	MISC SUPPLIES	39.82
MEWIS, KEITH	SPRAY TREES	465.00
MICHAEL TODD & CO	STREET SUPPLIES	172.94
MICRO-MARKETING, LLC.	LIBRARY SUPPLIES	21.45
MID-STATES UNITS	PORTABLE RESTROOMS	870.00
MILLER AND ASSOCIATES	LANDFILL EVALUATION	1,949.49
MORRIS PRESS & OFFICE SUPPLIES	OFFICE SUPPLIES	15.93
MR. AUTOMOTIVE	CENTRAL GARAGE SUPPLIES	24.31
NE DEPT OF MOTOR VEHICLES	INTOXILYZER SUPPLIES	26.00
NE DEPT OF REVENUE	5 YR STATE TAX AUDIT	95,530.00
OMNIGRAPHICS, INC	LIBRARY SUPPLIES	34.57

OSCAR'S GARAGE	CENTRAL GARAGE SUPPLIES	19.00
OURADA, TIMOTHY	ELECTRIC REBATE	750.00
PATTY'S HALLMARK	OFFICE SUPPLIES	252.23
PAULSEN INC.	CONCRETE	1,016.99
PERSONAL REPORT	SUBSCRIPTION	103.90
PIONEER MANUFACTURING CO	PARK SUPPLIES	325.00
PROFESSIONAL EQUIPMENT	BLDG INSPECTION SUPPLIES	39.88
PROTECTIVE LIFE INSURANCE	CANCER PREMIUM	43.90
QUALITY STORES INC	MISC SUPPLIES	126.06
QWAL LABORATORIES	LAB TESTING	2,264.00
REAMS SPRINKLER SUPPLY	SPRINKLER HEADS	305.12
REIMAN PUBLICATIONS	SUBSCRIPTION	19.97
S & W AUTO PARTS, INC.	CENTRAL GARAGE SUPPLIES	242.35
SEWARD, RUTH	REFORMA CONF	168.65
SIGNAL EQUIPMENT CO	ELECTRICAL SUPPLIES	153.70
SIXTH STREET PHARMACY	GLOVES	6.63
SKARSHAUG TESTING	GLOVES CLEAN & TEST	56.02
STAAB, BERNARD	ELECTRIC REBATE	1,300.00
STALEY SPRINKLER INC	SPRINKLER PARTS & LABOR	2,325.47
STRYKER MEDICAL	FIRE DEPT SUPPLIES	340.00
SUBWAY OF LEXINGTON	DEPT MTG	29.88
SUND, DENNIS	REIMBURSE/SCHOOL & TEST	225.00
T.O. HAAS TIRE CO INC	TIRES	64.88
TIMWISE	BLDG INSPECTION SUPPLIES	17.25
TRI-COUNTY HOSPITAL	WELLNESS CENTER	180.00
TRIPLE S TRUCKING	ED REUSE LOAN	75,000.00
U S FILTER DISTRIBUTION GROUP	WATER SUPPLIES	3,545.14
U S WEST COMMUNICATIONS	PHONE CHARGES-FINAL WELL	44.19
ULTRAMAX	AMMUNITION	665.00
VAN DIEST SUPPLY CO	STREET SUPPLIES	368.05
WAL-MART	MISC SUPPLIES	264.55
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	1,181.05
BARMORE'S	POOL FIRST AID	33.60
BERNTSON OIL	DIESEL	36.20
CASH WA DISTRIBUTING	FOOD & SUPPLIES	2,581.69
C.B.S.A.	EMPLOYEE MEDICAL	9,702.06
CHESTERMAN CO	CONCESSIONS	57.00
CINDY'S HEAVENLY COOKIES	CONCESSIONS	200.10
COAST TO COAST	MISC SUPPLIES	87.98
DAN'S SANITATION	SA SERVICE	20,824.25
ELECTRIC FIXTURE	ELECTRIC SUPPLIES	38.94
FAIRBANKS INTERNATIONAL INC	MISC SUPPLIES	91.54
FOX BROS HAY CO INC	TREE GRINDING	1,993.75
GILLETTE/NEBRASKA DAIRIES INC	DAIRY/GGC	312.96
HIPP WHOLESALE FOODS, INC	FOOD & SUPPLIES	1,063.41
LEXINGTON PUBLIC LIBRARY	PETTY CASH REPLENISH	28.25
LEXINGTON, CITY OF	FRANCHISE FEES	28,594.67
OLD DOMINION BRUSH	STREET SUPPLIES	785.40
OMAHA LIFE INSURANCE CO	FIRE DEPT INS PREMIUMS	60.20
OVERTON COMMUNITY CENTER	RENT	100.00
PETTY CASH FUND	PETTY CASH REPLENISH	71.35
QUALITY STORES INC	SEWER SUPPLIES	19.80
S & W AUTO PARTS	SEWER SUPPLIES	35.59
U S FILTER DISTRIBUTION	WATER SUPPLIES	339.61
U SAVE FOODS (SIXTH STREET FOOD)	GROCERIES	83.45
WAL-MART	MISC SUPPLIES	72.92

GRAND TOTAL:

863,831.45

PUBLIC HEARING:

Upon Mayor Fagot declaring the Public Hearing open, Mr. Jerry Barnes addressed the Lexington City Council, voicing his opposition to the continuance of a Special Use Permit for Joe Rios and Connie Foster, whose property is located at the Corner of Road 436 and Highway 30, Lexington, NE. Mr. Barnes stated that he didn't believe the foundation under the Trailer located on the property, was yet completed, but was informed that the space located in the foundation was considered the crawl space, and will be used for a well house. City Manager Joe Peplitsch informed the City Council that the property has now been brought up to code, and is in compliance with the City Building Code. Following discussion by Connie Foster, and the Lexington City Council, Mayor Fagot declared the Public Hearing closed. Moved by Wightman, seconded by Klamm, to continue the Special Use Permit by Joe Rios and Connie Foster for property located at the corner of Road 436 and Highway 30, Lexington, Nebraska, on the basis that the owners have brought the property into compliance with Lexington City Code. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

NUISANCE ENFORCEMENT:

Council Person Neal Kohl addressed the Lexington City Council stating that the people living in the 2 mile zoning jurisdiction outside the City limits, have no one to enforce any nuisance codes for that area, and would like to see something done. City Attorney Willard Weinhold informed the City Council that there are many issues that would have to be addressed should this be enforced. Following a statement by Denzel Mills, Jerry Barnes and Connie Foster, and discussion by the Council, it was determined to have Administration investigate this issue further, and approach it again at a future City Council Meeting.

NEBRASKA WATER USERS ASSOCIATION:

Council Person Ted Cook addressed the Lexington City Council stating that the Nebraska Water Users would like the Lexington City Council's support of their statement of Principles and Positions Relating to Continuation of the Cooperative Agreement and Adoption of a Proposed Program, and would recommend that the Council approve the Resolution adopting their Statement. Moved by Klamm, seconded by Wightman, to approve the following Resolution. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

RESOLUTION NO. 00-15

RESOLUTION ADOPTING AND SUPPORTING
NEBRASKA WATER USERS/NEBRASKA FARM BUREAU
FEDERATION STATEMENT OF PRINCIPLES AND POSITIONS
RELATING TO CONTINUATION OF THE COOPERATIVE
AGREEMENT AND ADOPTION OF A PROPOSED PROGRAM

Upon consideration of the above-described Principles and Positions of the Nebraska Water Users/Nebraska Farm Bureau Federation, BE IT RESOLVED BY THE CITY OF LEXINGTON that said Principles are endorsed, adopted and supported by THE CITY OF LEXINGTON in its further dealings with matters concerning the Cooperative Agreement and a proposed program between the States of Nebraska, Colorado and Wyoming and the United States Department of Interior.

Passed and approved by the City Council on August 22, 2000.

LEXINGTON CITY COUNCIL

By John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

HANDICAP PARKING SPACE: City Manager Joe Peplitsch addressed the Lexington City Council stating it has been requested to install a Handicap Parking Space in front of Heartland Counseling Office, located at 307 East 5th Street, Lexington, NE.. Mr. Peplitsch stated that due to the location of the business, and the limited space for parking, he would not recommend passage of the Ordinance designating the Handicap Parking Space. Following discussion by Council, no action was taken.

CATTLEMEN DRIVE: City Manager Joe Peplitsch requested that City Council approve the Agreement presented to them for Cattlemen Drive, with the Nebraska Department of Roads. Following Mr. Peplitsch's presentation, moved by Klamm, seconded by Wightman, to adopt the following Resolution, and authorize the Mayor to sign said Agreement. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

Resolution No. 00-16

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that the proposed Agreement with the state of Nebraska Department of roads, for Project No. STPAA-6562(1), State Control No 61251, Cattlemen Drive, Lexington, New Roadway Construction and Drainage, is hereby approved, and the Mayor is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington.

PASSED AND APPROVED this 22nd day of August, 2000.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

FINANCIAL REPORT: Financial Director Barb Mills presented the Financial Report for July, 2000, to the Lexington City Council. Upon her presentation, moved by Kohl, seconded by Wightman, to accept the Financial Report for July, 2000. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, Fagot. Motion carried.

AIRPORT BUDGET: Financial Director Barb Mills addressed the Lexington City Council requesting approval of Resolution No. 00-17, which would allocate \$51,092 to the Lexington Airport Authority, from the City of Lexington's Property Tax Levy. Following discussion, moved by Klamm, seconded by Wightman, to adopt the following Resolution. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

RESOLUTION NO. 00-17

WHEREAS, the Airport Authority has requested an allocation of a part of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that \$51,092 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for fiscal year 2000-2001.

Passed and approved this 22nd day of August, 2000.

CITY OF LEXINGTON, NEBRASKA

By John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

BUDGET WORKSHOP:

City Manager Joe Peplitsch requested a date be set for the annual City of Lexington's Budget Workshop. Following discussion, a date was set for August 30, 2000, at 5:00 p.m.

SALE OF LAND:

City Manager Joe Peplitsch informed the Lexington City Council that offers were received for three lots in the Southaven Addition for \$5,500 per lot. Following discussion, Ordinance No. 2128 was read before the Council. Moved by Kohl, seconded by Wightman, that the rules requiring the reading of said Ordinance on three separate days be suspended. Roll call. Voting "aye" were Cook, Klamm, Wightman, Kohl, Fagot. Motion carried.

Said Ordinance was then read by title. Moved by Klamm, seconded by Kohl, that Ordinance No. 2132 be passed on final reading. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

ORDINANCE NO. 2132

AN ORDINANCE DIRECTING THE SALE OF LOTS C, E, AND G, IN THE REPLAT OF LOTS 1-11, BLOCK 2, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE.

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

Section 1. That the real estate hereinafter described is owned by the City of Lexington, Nebraska, and is surplus to the needs of the City of Lexington, Nebraska, and should be sold to RON STAHLA and MARY STAHLA.

Section 2. That the real estate to be sold is described as Lots C, E, and G, in the Replat of Lots 1-11, Block 2, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; (407 Oregon Trail, 415 Oregon Trail, and 507 Oregon Trail)

Section 3. The purchaser shall pay for such real estate the sum of \$16,500.00, payable as follows:

- a. A down payment of \$300, and the remaining balance to be due in certified funds on the date of closing.
- b. Purchaser shall pay one-half of the cost of title insurance;
- c. Estimated closing date will be on or about November 1, 2000.

Section 4. That immediately upon adoption, notice of this Ordinance shall be published in a legal newspaper for three (3) consecutive weeks; that if remonstrance against such sale signed by legal electors equal in number to thirty percent (30%) of the electors of the City voting at the last regular municipal election shall be filed with the Lexington City Clerk within thirty (30) days of such publication, such property shall not then, nor within one (1) year thereafter be sold.

PASSED AND APPROVED this 22nd day of August, 2000.

CITY OF LEXINGTON, NEBRASKA,

BY: Mayor John Fagot

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