

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 11, 2001 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.

**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 – 8-28-01:** Minutes of the Regular Meeting was held Tuesday, August 28, 2001 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held August 28, 2001 as presented. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$931,578.43 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$151,693.02 from the General Fund, \$746,676.04 from LEXUS, \$10,000.00 from City Sanitation, \$7.03 from Library Memorial, \$14,658.95 from Library House Fund, \$8,543.39 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Cook, Klamm, Tomasek, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
SEPTEMBER 11, 2001 COUNCIL**

Aflac	Supplemental Ins	962.56
All Points Cooperative	Propane/Washes/Fertilizer	248.48
Alltel	Cellular Svc	49.78
Automotive Sales & Service Co	Central Garage Supplies	58.14
Barmore Drug Store	Misc Supplies	26.74
Berntson Oil	Fuel	3,094.07
Broadwing Telecommunications	Long Distance Phone Svc	273.40
Brown, Harold	Tool Allowance	50.00
Business & Professional Credit	Utility Collections	88.32
C.B.S.A	Employee Medical	5,886.90
C.B.S.A	Premiums	9,499.26

Cash-Wa Distributing	Food/Supplies/Concessions	586.29
Central Garage Fund	Parts/Labor/Oil/Fuel	10,228.63
Country Books	Library Books	23.94
Culligan Water Conditioning	Water Treatment	131.00
Dan's Sanitation	Sanitation Chgs	10,144.00
Dawson Area Development	Annual Mtg Registration	111.00
Dawson County Clerk	Dispatch Fees	6,380.62
Dawson County Red Cross	Lifeguard Training	360.40
Demco	Library Supplies	103.96
Eakes Office Supplies	Copier Pymt/Supplies	832.10
Eilers Machine & Welding	Electric Supplies	26.56
Electric Fixture	Electric Supplies	2,135.13
Electronic Systems	Telephone/Pool	225.00
EZ Liner Industries	Central Garage Supplies	522.88
Fairbanks International Inc	Central Garage Supplies	771.57
Family Eyewear	Exam/Arner	27.00
Farwest Line Specialties	Electric Supplies	628.90
Five Points Bank	Copier Pymt	205.12
Gall's Inc.	Police Uniforms	244.03
Gempler's Inc	Coveralls/Coats	1,163.31
General Binding Corp	Library Supplies	84.75
Gillette/Nebraska Dairies	Dairy	200.30
Great Plains One-Call Svc	Locates Svc	43.65
Harlequin Retail Inc	Library Books	10.52
Hipp Wholesale Foods, Inc	Food & Supplies	328.14
Husker Ag Sales	Central Garage Supplies	86.86
Ideals Publications Inc	Subscription	19.95
Ingram Library Svc	Library Books	1,061.78
Internet USA LLC	Internet Svc	99.90
Jones Plumbing & Heating	Svc/Supplies	520.69
K&K Parts Co. Inc	Electric Supplies	56.88
Kapco	Library Supplies	23.94
Keim, Bob	Mowing	100.00
Lakota	Meals	21.25
Lexington Animal Clinic	Animal Care	210.55
Lexington Glass Co	Window Repair	771.00
Lexington Health Fund	Self-funding	27,263.00
Lexington Newspapers	Publications	77.97
Lexington Postmaster	Postage/GGC	150.00
Lexington Public Library	Replenish Petty Cash	18.78
Lexington Truck & Auto	Central Garage Supplies	360.00
Lexington True Value	Refrigerator	558.06
Lexington, City of	Monthly Charges	23,851.79
Lexington City Payroll Account	Wages	76,707.90
Social Security	Employer Portion/FICA Med	5,791.68
First National Bank	Employer Portion/Pension	2,396.97

First National Bank	Police Pension	1,139.05
ICMA	Pepplitsch Pension	180.00
Mead/Big Valley Lumber	Misc Supplies	66.20
Merchant JT&S	Training/EL	390.00
Morris Press & Office Supplies	Office Supplies	43.69
Municipal Supply	Water Supplies	1,320.73
NE Dept of Motor Vehicles	Intox Mouthpieces	26.00
Nebraska Waste Handlers	Sludge Removal	3,577.00
Nelson, Thomas R	City Hall Cleaning	500.00
NPPD	Power Purchased	612,053.87
NPPD	Service	8,010.96
Omaha Life Insurance Co	LVFD Group Ins Prem	64.50
Patty's Hallmark	Office Supplies	131.46
Paulsen Inc	Concrete	157.75
Peak Interest/Pizza Hut	Meals	28.38
Penworthy Company	Library Books	699.21
Platte Valley Communications	Monthly Svc	90.00
Precision Industries	Electric Supplies	10.17
Quality Stores Inc	Misc Supplies	79.56
Qwest	Telephone Svc	475.11
Reliable	Office Supplies	36.84
Rent All Rentals	Chop Saw Rental	16.05
S&W Auto Parts	Electric Supplies	665.66
Seward, Justin	Library Cleaning	225.00
Sherman Lawn Sprinklers	Start Up	45.00
Skarshaug Testing	Electric Supplies	73.71
Spring Creek Embr Works	Shirts/Jacket Logo	290.00
Sunland Books, Inc	Library Books	1,043.70
T.O. Haas Tire Co Inc	Tires/Repairs	100.97
Total Lawn Care	Lawn Care	560.00
U-Save Foods Inc	Food & Supplies	96.61
Usher Pest Control	Pest Control	24.00
Wal-Mart	Misc Supplies	267.44
Wesco Distribution	Electric Supplies	3,502.79
Western Engineering Co Inc	Street Patch	368.17
Willard Weinhold Law Office	Professional Svc	1,380.00
Zep Manufacturing	Cleaning Supplies	42.60
Alltel	Cellular Chgs	61.09
Amer, Travis	Mileage	242.88
C.B.S.A.	Employee Medical	7,016.58
Cash Wa Distributing	Food/Supplies/Concessions	625.27
Designer Craft Woodworking	Police Cabinets/Counters	3,750.00
Electric Fixture	Electric Supplies	744.46
Fagot Refrigeration & Electric	Repairs	32.50
Fischer-Scientific	WWTP Supplies	463.81
Five Star Flooring	Carpet	629.00

Gary's Lawn Care	Weed Spraying	496.10
Johnny on the Spot	Toilet Rental	270.00
Gillette/Nebraska Dairies Inc	Dairy	367.29
Hipp Wholesale Foods Inc	Food & Supplies	454.98
Insurance & Personnel Svc	Employee 125 Acct	792.91
Invensys Metering Systems	System Support	750.00
Jimenez-Valdez, Mauricio	Electric Rebate	1,000.00
League of Nebr Municipalities	Electric Training	1,104.00
Lexington Area Arts Council	Membership	1,000.00
Lex Area Solid Waste Agency	Mixed Solid Waste	718.92
Lexington, City of	Franchise Fees	25.21
Linweld	Oxygen	69.85
Luther, Ann	Mileage/Per Diem	35.10
Miller & Associates	Viaduct Design	28,200.00
MW Salvage	Freon Removal	127.00
Nebraska Dept of Revenue	Sales & Use Tax	34,761.66
Olsson Associates	Electric Study	3,006.92
Patty's Hallmark	Misc Supplies	273.36
Petty Cash Fund	Replenish Petty Cash	44.26
Platte Valley Communications	Radio Repair	558.60
Plum Creek Promotions	Lettering	24.00
Ronco Inc	Mat/Labor-Break Room	4,852.05
Savalot Discount Foods	Groceries	77.53
Wal-Mart	Misc Supplies	91.69
Wesco Distribution	Electric Supplies	5,223.83
	<b>GRAND TOTAL:</b>	<b>931,578.43</b>

**LIQUOR LICENSE:**

Representatives for Lo Mejor de Michoacan addressed the City Council requesting approval of a Class "A" Liquor License for their restaurant located at 401 Pacific Street, Lexington, Nebraska. Following discussion, moved by Cook, seconded by Klamm, to recommend approval of a Class "A" Liquor License for Lo Mejor de Michoacan, located at 401 Pacific Street, Lexington, NE 68850. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Cook, Fagot. Motion carried.

**5<sup>TH</sup> & JACKSON TRAFFIC CONTROL:**

Pepplichtsch addressed the City Council, stating a Resolution is being presented for approval, that would request the Nebraska Department of Roads to remove the Left Turn Restrictions at the Intersection of 5<sup>th</sup> & Jackson Streets. Following discussion, moved by Cook, seconded by Klamm, to table the Resolution indefinitely. Roll call. Voting "aye" were Salem, Klamm, Cook, Fagot. Voting "nay" was Tomasek. Motion carried.

**SPECIAL USE PERMIT:**

Mayor Fagot opened the Public Hearing. Mr. Frank Hennigan, owner of the property located ½ mile East of Nebraskaland Truck Stop on East River Road, addressed the City Council, requesting approval of a Special Use Permit for Paulsen, Inc. for use to dredge sand and gravel from a lake on this property. Mr. Myron Haines, representing Westminster Woods, expressed his opposition to issuing the Special Use Permit, as they believe the use of the County Road, by Paulsen's Inc., would be detrimental to traffic using their facility. Also expressing

concern was Bruce Smith, attorney representing Leon and Shirley Keyes, who own property adjacent to Mr. Hennigan's property. Moved by Klamm, seconded by Salem, to approve a Special Use Request for Paulsen Inc. on property located ½ miles East of Nebraskaland Truck Stop on East River Road, for use to dredge sand and gravel, with conditions as attached. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**WHOLESALE POWER  
CONTRACT:**

Mr. Jim Florke, representing Nebraska Public Power District, presented the City Council with an overview on the proposed wholesale power contract options available from NPPD. Following Mr. Florke's presentation, no action was taken.

**LIBRARY COOPERATIVE  
AGREEMENT:**

Mr. Jim Doyle, representing the Lexington Library Board, requested approval of the Cooperative Agreement between the Library Board, and the City of Lexington. The purpose of the Agreement is to make efficient, cooperative use of the powers of each of the parties, which will clarify their respective obligations. It will explain how the Library Board will exercise their powers, provide information on how individuals will be employed, and how the operations of the Library will be handled. Moved by Cook, seconded by Tomasek, to accept the Library Cooperative Agreement. Roll call. Voting "aye" were Salem, Klamm, Tomasek, Cook, Fagot. Motion carried.

**BUDGET HEARING:**

Mayor Fagot opened the Public Hearing. Peplitsch addressed the Council stating that approval is being requested for the proposed Budget for the fiscal year ending September 30, 2002. Upon a brief review of the proposed Budget, Mayor Fagot closed the Public Hearing.

**RESTRICTED FUNDS:**

Peplitsch addressed the City Council requesting an increase in the base of restricted funds by an additional one percent (1%). Following discussion, moved by Klamm, seconded by Salem, to increase the base of restricted funds by an additional one percent (1%). Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

**TAX RATE RESOLUTION:**

Mayor Fagot opened the Public Hearing. Peplitsch presented the City Council with a Resolution setting the tax request at a different amount than the prior year tax request. Mayor Fagot closed the Public Hearing. Following discussion, the following Resolution was read before Council. Moved by Klamm, seconded by Salem, to approve Resolution Number 01-15, setting the tax request at a different amount than the prior year tax request. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-15

WHEREAS, Nebraska Revised statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the governing Body of the City of Lexington by a majority vote, resolves that:

1. The 2001-2002 property tax request be set at \$481,065.54.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2001.

PASSED AND APPROVED this 11<sup>th</sup> day of September, 2001.

John Fagot  
Mayor

ATTEST:

Shirley Lewis  
Deputy City Clerk

**APPROPRIATIONS  
ORDINANCE:**

Pepplitsch addressed the City Council presenting them with an Ordinance adopting the Annual Appropriation Bill for fiscal year 2001-2002. Following discussion, an Ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2001-2002. 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, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was then read by Title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2147 on Final Reading. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**AQUATIC CENTER  
PARKING LOT:**

Dana Daniels representing Miller and Associates, addressed the City Council recommending awarding the Contract for the Aquatic Center's Parking Lot, Phase II Project to Paulsen Inc. in the amount of \$36,014.00. Following Mr. Daniels presentation, moved by Klamm, seconded by Tomasek, to award the contract for the Aquatic Center Parking Lot Phase II Project in the amount of \$36,014.00. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**SET MEETING DATE:**

Pepplitsch informed the Council that a Retreat has been scheduled for Saturday, September 15, 2001, at 8:00 a.m. in the City Municipal Building, located at 406 East 7<sup>th</sup> Street, Lexington, Nebraska.

**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