

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 23, 2002, 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.

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 Acknowledgement 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 – 4-9-02: Minutes of the Regular Meeting that was held Tuesday, April 9, 2002 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held April 9, 2002 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$236,313.49 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Cook, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$101,175.50 from the General Fund, \$98,441.71 from LEXUS, \$21,226.94 from City Sanitation, \$8,932.90 from Health Fund, \$6,536.44 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 23, 2002

ABB Inc.	Flowmeter	6,453.30
Alamar Uniform Co.	Neck Ties	21.50
Allstate Imaging Inc	Office Supplies	248.85
Associated Supply Company, Inc.	Paint	153.88
Berntson Oil	Fuel/Oil	2,730.22
Bottom Line Personal	Subscription	39.00
Brummet, Elberta	Reimbursement of Books	22.95
Cash-Wa Distributing	Food & Supplies	1,837.48
CBSA	Employee Medical Claims	4,461.25
Conney Safety Products	Dex Gloves	221.60
Customer Solution Network	Membership	25.00
Dawson County Clerk	Dispatch Fees	7,215.76

Demco	Power	253.17
Eakes Office Products	Supplies	226.14
Electric Fixture	Electrical Supplies	1,963.97
Fairbanks International	Hardware Supplies	51.74
Family Eyewear	Safety Glasses	148.00
Farmer Brothers Coffee	Filters	47.67
Fisher Scientific	Sulfuric Acid	121.02
Gardner Denver, Inc.	Case of #5 Grease	137.51
Gary's Detail Shop	Detailing	40.00
GBC	Laminate	84.75
Gillette Dairy	Dairy	259.80
Gnirk Lawn Care	Ground Sterilant	486.00
Grolier Publishing	Books	191.80
Hetz Equipment Rental	Saw Blade	489.89
Hipp Wholesale Foods, Inc	Food & Supplies	482.78
ICMA	Membership	496.08
Ideas Publishing Group	Subscription	12.00
Jerry Baker	Book of Gardens	35.06
Joy Book Nook	Library Books	26.93
Junior Library Guild	Books	280.80
K-N Energy, Inc.	Gas Usage	5,362.62
Kriz-Davis Company	Restock Fee-Connectors	26.74
Lawson Products, Inc	Files	30.89
Lexington Glass Co	Plexiglass	134.00
Lexington Newspapers	Publications	374.61
Lexington Public Library	Petty Cash-Postage	53.66
Lexington Public Schools	3 on 3 Concessions	895.97
Lexington True Value	Sprinkler	126.23
Lexus	Utilities	15,979.52
Lexus	Tree Board Copies	4.50
Liehs Drilling	Packing	62.50
Liehs, Wesley	Land Lease 2002	2,250.00
Linweld	Oxygen	35.48
Lexington City Payroll	Wages	76,153.82
Social Security	Soc Sec (Emplyr Portion)	5,729.89
First National Bank	Emp Pens (Emplyr Port)	2,496.13
American Funds	Police Pens (Emplyr Port)	1,076.20
ICMA	Emp Pens (Emplyr Port)	180.00
Mead Big Valley Lumber	Spls, Eagle Proj-Roberts	378.77
Memphis Net & Twine Co	Btg Cage/Bsbl Backstops	1,194.00
Mid-Am Research Chemical Corp	Lube	386.00
Mifflin Valley, Inc	Safety Vests	130.87
Misko Sports	Field Paint	562.50
NE Dept of Motor Vehicles	Intoxilyzer Mouthpieces	50.00
NE Dept. of HHS Laboratory	Samples	180.00
Neopost	Postage for Meter	1,500.00
Newman Traffic Signs	Street Supplies	1,529.06
OCLC	User Charges	369.50
Patty's Hallmark	Misc Supplies	40.46
Paulsen Inc	Concrete	502.95
Plum Creek Auto Spa	Car Washes	20.00
Plum Creek Cleaners	Laundry Service	138.00
Plum Creek Promotions	3 on 3 Hoopfest Shirts	1,920.00
Reams Sprinklers	Sprinkler Supplies	380.88
S & W Auto Parts, Inc	Supplies	3.59
Sav A Lot	Grocery	41.58

Southeast Library System	Registration/Seward	20.00
Stobbe Welding	Truck Repairs	35.00
Sunmart #763/Sixth Street	Food & Supplies	24.15
T & R Electric	Transformers	3,165.00
Todd Beran	Fertilizer Application	536.00
U S Filter Distribution Group	WR Meters/Supplies	535.32
Utility Equipment	Unions & Curb Box	1,056.50
Valentino's	CRA Meeting Luncheon	24.98
Wall Street Journal	Annual Subscription	175.00
Wal-Mart	Misc Supplies	429.19
Wesco Distribution	Elec Supplies & Wire	9,695.02
Alltel	Telephone Service	49.10
Automotive Sales & Service Co Inc	Vehicle Parts	269.10
Best Way Inc	Traffic Cones	309.05
CBSA	Medical Claims	3,056.89
Central Garage	Equipment Maintenance	3,868.08
City of Lexington	Franchise Fees	24,029.35
Coca Cola/Dr Pepper of Kearney	Grocery	18.60
Compouter Mgt Services Inc	Pace Lic & Maint & Trng	5498.75
Conney Safety Products	Safety Supplies	164.42
Dan's Sanitation	2nd Council-Utility	21,226.94
Diamond Vogel Paint	Electric Supplies	1,363.50
Eilers Machine & Welding	Vehicle Parts	6.38
Electric Fixture	Fuses	61.24
Five Star Flooring	Tile Install-City Ofc Bldg	570.85
Galeton Gloves	Gloves	229.70
Gillette Dairy	Milk	69.16
Hach Company	Supplies	35.60
Hipp Wholesale Foods Inc	Grocery	478.97
Husker Outdoor Power Equipment	Parts	4.60
Ingram Library Services	Library Books	748.77
Lexington Recreation Program	Rec Prog Sign Up Night	100.00
Insurance & Personnel Services	Employee 125 Plan	1,414.76
MBNA-Master Card	Fuel	21.80
	Meals/Confs/Lodging	870.74
	Supplies	368.82
Mead/Big Valley	Drill Bits	24.34
Mr. Automotive	Car Supplies	43.56
Overton Community Center	Rent	100.00
Petty Cash	Reimbursement	57.64
Patty's Hallmark	UPS Charges	5.67
Platte Valley Auto Mart	Central Garage Supplies	14.75
Plum Creek Motors	Parts	62.47
S&W Parts, Inc	Supplies for Resale	840.63
Statler, Gary	Strip & Wax Fl in Bldgs	1,275.00
Sixth Street Pharmacy	Supplies	24.67
Sunmart	Grocery	29.22
The Island Supply Company	Asphalt Crack Filler	3,008.00
T.O. Haas Tire Co Inc	Tire Repair	20.50
Wal-Mart	Boots/Spls/Rec Supplies	126.18
Wesco Distribution, Inc	Reflective Numbers	582.71
	TOTAL	236,313.49

CITIZEN'S COMMENTS:

David Selk addressed the City Council stating his concerns regarding various problems within the City of Lexington. Following Mr. Selk's

comments, Bo Roberts was introduced to the Council. Bo has earned his Eagle Badge through a local Boy Scout Troop by constructing an Announcement Board for the Tennis Courts at Plum Creek Park.

JAKE BRAKES:

Following discussion prohibiting Jake Braking in the City limits, an Ordinance entitled “AN ORDINANCE TO AMEND SECTION 17-3 OF THE LEXINGTON CITY CODE; TO PROHIBIT JAKEBRAKING BY SEMITRACTORS AS AN UNNECESSARY NOISE; TO REPEAL ORIGINAL SECTION 17-3 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before the Council. Moved by Klamm, seconded by Cook, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Tomasek, Salem, Cook, Klamm, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2155 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

SUBDIVISION AGREEMENT:

Pepplitsch addressed the City Council requesting approval of Subdivision Agreement for Fertitta Addition. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Subdivision Agreement for Fertitta Addition, and authorize signatures on said documents. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Brandy Krason, new Manager for All Points Cooperative, addressed the City Council requesting their approval of an Application for New Manager of All Points Cooperative, which holds a Class “D” Liquor License. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to recommend approval of an Application for New Manager of All Points Cooperative, which holds a Class “D” Liquor License, located at 2700 Plum Creek Parkway, Lexington, NE 68850. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

DEVELOPMENT AGREEMENT:

Pepplitsch addressed the City Council requesting their approval of a development agreement with Wal-Mart Stores, Inc., and Wal-Mart Real Estate Business Trust. Following discussion, moved by Klamm, seconded by Salem, to approve the Development Agreement with Wal-Mart Stores, Inc., and Wal-Mart Real Estate Business Trust, and authorize signatures on said document. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

CONSTRUCTION EASEMENT:

Pepplitsch addressed the City Council requesting their approval of a Construction Easement in Fertitta’s Addition. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Construction Easement in Fertitta’s Addition, and authorize signatures on said document. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**CONTRACT FOR
ENGINEERING
SERVICES:**

Pepplitsch addressed the City Council requesting their approval of an agreement for engineering services from Olsson Associates for the Electric Department Project – East 34.5 Transmission Line Replacement. Following discussion, moved by Cook, seconded by Salem, to approve an agreement for engineering services from Olsson Associates for the Electric Department Project – East 34.5 Transmission Line Replacement, and authorize signatures on said document. Roll call. Voting “aye” were Tomasek, Klamm, Salem, Cook, Fagot. Motion carried.

**CONTRACT FOR
ENGINEERING
SERVICES:**

Pepplitsch addressed the City Council requesting their approval of an agreement for engineering services from Miller and Associates for the Wastewater Treatment Facility Project – Treatment Plant Upgrade for Disinfection and Discharge Standards. Reed Miller, representing Miller and Associates, presented the Council with an outline of their services for the Project. Following discussion, moved by Klamm, seconded by Tomasek, to approve an agreement for engineering services from Miller and Association for the Wastewater Treatment Facility Project – Treatment Plant Upgrade for Disinfection and Discharge Standards. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CODE TASK FORCE:

Pepplitsch addressed the City Council requesting their approval of making the annual matching funds pledge to Central Nebraska Cooperative Operation for Drug Enforcement. Following discussion, moved by Klamm, seconded by Salem, to approve a pledge of \$5,945.73 to Central Nebraska Cooperative Operation for Drug Enforcement. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

ORDINANCE:

Following discussion, 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, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2156 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

Pepplitsch presented the Council with the Financial Report for March, 2002. Following discussion, moved by Klamm, seconded by Tomasek, to accept the Financial Report for March, 2002. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Salem, seconded by Klamm, to move from Regular Session into Executive Session at 8:04 p.m. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

Moved by Klamm, seconded by Tomasek, to reconvene Regular Session from Executive Session at 8:40 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