

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 10, 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. Department Heads present were Charlie Clark, and 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 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 – SPECIAL MEETING – 8-27-02: Minutes of the Special Budget Work Session that was held Tuesday, August 27, 2002 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Special Budget Work Session held Tuesday, August 27, 2002 as presented. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

MINUTES – REGULAR MEETING – 8-27-02: Minutes of the Regular Meeting that was held Tuesday, August 27, 2002 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held Tuesday, August 27, 2002 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,030,691.75 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Klamm, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$154,863.41 from the General Fund, \$60,280.17 from Economic Development Fund, \$791,292.18 from LEXUS, \$10,000.00 from City Sanitation, \$5,891.06 from Health Fund, \$8,364.93 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
SEPTEMBER 10, 2002 COUNCIL

Aflac	Supplemental Ins	980.52
ALA	Library Supplies	31.30
All Points Cooperative	Pramitol	249.60

Alltel	Cellular Svc	120.88
Associated Supply Co, Inc	Vacuum Head for Pool	138.25
Barmore Drug Store	Bulbs	1.49
Berntson Oil	Fuel	53.50
Broadwing Telecommunications	Long Distance Phone Svc	287.55
Brown, Harold	Tool Allwnc:Sept,Oct,Nov	50.00
BSN/Passon's/GSC Sports	Tennis Post	45.55
Business Office Supplies	Ink Roller	25.88
C.B.S.A	Employee Medical	3,370.67
C.B.S.A	Premiums/Admin Fees	12,144.72
Cadwell Construction Co Inc	Refund Tapping Fee	706.77
Cash-Wa Distributing	Food/Supplies/Concs	881.59
CCP Industries	Gloves	180.11
Central Garage Fund	Gas and Fuel for August	5,039.62
Champlin Tire Recycling Inc	Tire Disposal	70.00
Chavez, Irma	Air Heat Pump Rebate	700.00
Chief Supply	Freight	5.75
Coca Cola/Dr Pepper of Kearney	Beverages	18.60
Collegiate Pacific	Tennis Net/Volleyballs	953.49
Copper, Alfred	Lot Mowing:Abatements	35.00
Country Books	Library Books	23.94
Cozad Services Inc	Labor: WWTP Tower	67.50
Culligan Water Conditioning	Water Treatment	147.90
Dan's Sanitation	Sanitation Chgs	10,801.44
Dawson County Clerk	Dispatch Fees	7,215.76
Dawson County Public Power	LED Traffic Control	591.09
Dawson County Register of Deeds	Register Deeds	110.50
Eakes Office Supplies	Supplies	13.22
Eilers Machine & Welding	Electric Supplies	37.43
Electric Fixture	Electric Supplies	721.44
Fagot Refrigeration & Electric	Services for August	1,831.24
Family Eyewear	Glasses: Nelson/Brown	224.00
Farmer Brothers Coffee	Coffee and Tea	71.57
Five Points Bank	Copier Pymt	205.12
Gall's Inc.	Pouch: Police Dept	36.48
Gary's Detail Shop	Car Washes	40.00
Gempler's Inc	Jackets	88.85
Gengenbach, Kevin	Park: Toilet Units	270.00
Gillette/Nebraska Dairies	Dairy	108.82
Great Plains One-Call Svc	Locates Svc	61.00
Hipp Wholesale Foods, Inc	Food & Supplies	1,138.66
Holbein Lawn Service	Mow Yards:Abatements	100.00
Holmes Plbg & Htg Supply Co	Sewage Pump	289.65
Hometown Leasing	Copier Payment	544.60
Ingram Library Svc	Library Books	654.93
Int Assoc of Electrical Inspectors	Dues	60.00
Investment Property Exchange Inc	Prof Fees: Viaduct Project	4,400.00
JMS Millwright & Repair	EL Dept-Door	1,299.26
Jones Plumbing & Heating	Svc at Pool/Water Supplies	678.90
Knapp Electric	Rewind/Repair Lift System	1,336.82
Kriz-Davis	Inventory Parts/Supplies	1,357.59
Lakota	Meals	22.50
League of Nebraska Municipalities	Annual Conference	334.00
Lexington Animal Clinic	Animal Care	449.20
Lex Area Solid Waste Agency	Waste Removal	693.09
Lexington Glass Co	Wndw Rpr: Library/Pool	970.00

Lexington Health Fund	Self-funding	26,122.50
Lexington Newspapers	Publications	33.70
Lexington Postmaster	Postage/GGC	150.00
Lexington Public Library	Replenish Petty Cash	53.25
Lexington Public Schools	Street Clock Contribution	2,500.00
Lexington True Value	Drill	49.99
Lexington, City of	Monthly Charges	23,851.79
Lexus	Util Chgs/Tree Brd Signs	22,375.28
Lien Lawn Services	August Grounds Maint	875.00
Linweld	Oxygen	35.48
Lexington City Payroll Account	Wages	78,011.27
Social Security	Employer Port/FICA Med	5,880.89
First National Bank	Employer Portion/Pension	2,578.00
First National Bank	Police Pension	1,087.60
ICMA	Peplitsch Pension	250.38
Mead Rental Center	Hammer Drill Rental	85.57
Mead/Big Valley Lumber	Misc Supplies	64.46
Miller and Associates	Prof Services for August	9,600.00
Montiel, Jovita	EL Rebate	825.00
Mr. Automotive	Parts	11.05
Municipal Supply	Parts	199.16
Nebraska Community Foundation	Main Street Conf: Jensen	65.00
Nebraska National Bank	Mail system	361.56
Nebraska Public Power District	Power Purchased	603,117.64
Nebr Truck & Equipment Co Inc	Brake Repair	74.61
Nebraskaland Tire	Light Repair	10.00
Nelson, Margie	Mwg: Abtmnts/Mo Clng	650.00
Olsson Associates	Svcs: E 35kv & 35-13.8KV	11,847.00
Omaha World Herald	Adv Police/Qrtly Subsc	985.08
Overton Sand & Gravel	Gravel and Fill Sand	73.00
Patty's Hallmark	Office Supplies	141.02
Paulsen Inc	Concrete	568.21
Phillips, Jim Const	Clock & Pool Labor	2,752.00
Platte Valley Communications	Mo Svc/Rprs/SCADA Control Installed	20,527.61
Plum Creek Cleaners	Cleaning Services	118.00
Qwest	Telephone Svc	408.17
S&W Auto Parts	Auto Parts	19.79
Sav a Lot	Bakery: Meals on Wheels	41.58
Seward, Randall	Library Cleaning	300.00
Sherman Lawn Sprinklers	Parts	313.00
Sixth Street Pharmacy	Gloves	41.94
Skarshaug Testing	Clean & Test Gloves	72.10
Solomon Corporation	Transformers	11,150.00
Statler, Gary	Floor Services	550.00
Sunmart	Grocery	23.82
Tax Hotline	Subscription	44.00
Telegraph	Adv: Police Officer	159.64
Total Lawn Care	Lawn Care	620.00
Tri-County Hospital	Wellness	162.00
United Nebraska Bank	ED Sales Tax Bond P & I	60,280.17
US Filter Distribution	Water Supplies	2,302.31
Usher Pest Control	Pest Control	27.00
Wal-Mart	Misc Supplies	237.81
Wesco Distribution	Electric Supplies	1,506.44
Willard Weinhold Law Office	Professional Svc	1,981.06

Zep Manufacturing	Cleaning Supplies	65.06
Berntson Oil	Fuel/Oil	4,492.90
C.B.S.A.	Employee Medical	552.11
Case Credit	Parts	75.94
Cash Wa Distributing	Concession Credits	-503.37
Central Garage Fund	Vehicle Maintenance	3,716.72
Certified Laboratories	Supplies	560.25
Curtis Industries Inc	Cable and Ties	82.97
D & R Computing	Cartridge	55.99
Dawson County Public Power	Power	176.18
Eustis Body Shop	Tow Fee	50.00
Gempler's	Jackets	1,001.15
Insurance & Personnel Svc	Employee 125 Acct	987.76
Investment Property Exchange, Inc	Prof Fees:Viaduct Project	2,350.00
Jones Plumbing	Services	305.62
KAR Products	Supplies	36.49
Kinder Morgan	Gas	4,252.40
Knapp Electric	Repairs	42.50
Lexington Newspapers	Publications	237.47
Lexington True Value	Supplies	20.45
Lexington, City of	Franchise Fees	4,975.45
Mid Am Research Chemical Corp	Supplies	327.25
Misko Sporting Goods	Basketballs	202.70
Nebraska Crane	Crane Use	371.25
Nebraska Dept of Revenue	Sales & Use Tax	40,135.83
Nebraska Waste handlers	Waste Removal	3,796.00
Patty's Hallmark	Misc Supplies	59.65
Petty Cash Fund	Replenish Petty Cash	28.15
S & W Auto Parts, Inc	Parts	849.63
Signal Equipment Co	Repair Parts	173.13
US Filter Distribution Group	Coppersetter	1,328.78
Wal-Mart	Misc Supplies	103.26
Western Engineering Co Inc	Patching Material	522.81
	TOTAL:	1,030,691.75

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. Mr. Garey Heider, addressed the City Council, requesting their support of a CDBG Application in the amount of \$505,000, on behalf of Cornhusker Energy Lexington, LLC. Following Mr. Heider's presentation, Mr. Tydd Rohrbough, representing Cornhusker Energy, addressed the City Council, updating them on the project. There being no further comments, Mayor Fagot closed the Public Hearing.

PROJECT APPROVAL:

Following discussion, moved by Cook, seconded by Klamm, to approve the Cornhusker Energy Project. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

RESOLUTION:

The following Resolution was read before Council. Moved by Klamm, seconded by Salem, to approve Resolution Number 02-18. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO
SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City of Lexington, Nebraska, has obtained it's citizens' comments on community development and housing needs; and has conducted public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$505,000 for a performance loan/grant.

NOW, THEREFORE, BE IT RESOLVED BY Lexington City Council of City of Lexington, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Lexington and Nebraska Department of Economic Development so as to effect acceptance of the application.

John Fagot
Mayor
September 10, 2002

RESOLUTION:

DeEtta Hartman, representing Dawson Area Development, addressed the City Council requesting their approval of a Resolution authorizing Chief Elected Official to sign an application for EDA Funds. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution Number 02-19. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NUMBER 02-19

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO
SIGN AN APPLICATION FOR EDA FUNDS

Whereas, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application pursuant to the Public Works and Economic Development Act of 1965 (PWEDA) as amended, including the comprehensive amendments by the Economic Development Administration Reform Act of 1998 for Economic Development Administration benefits, and,

Whereas, the City of Lexington, Nebraska, has obtained its citizens' comments on economic development needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which for an amount of \$666,000 for grant funds.

NOW, THEREFORE, BE IT RESOLVED BY Lexington City Council of City of Lexington, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Lexington and the Economic Development Administration so as to effect acceptance of the application.

John Fagot
Mayor
September 10, 2002

BUDGET HEARING: Mayor Fagot opened the Public Hearing. Peplitsch addressed the City Council reviewing the proposed Budget for the fiscal year ending September 30, 2003. Following Peplitsch's presentation, Mayor Fagot closed the Public Hearing.

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

TAX REQUEST RESOLUTION: Mayor Fagot opened the Public Hearing. Peplitsch addressed the City Council requesting their approval of a Resolution that states that the Property Tax Request will be set at \$482,991.00, which is different from last year. Following Peplitsch's presentation, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to approve Resolution Number 02-20. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-20

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 2002-2003 property tax request be set at \$482,991.00
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2002.

PASSED AND APPROVED this 10th day of September, 2002.

John Fagot
Mayor

ATTEST:

Shirley Lewis

Deputy City Clerk

**APPROPRIATIONS
ORDINANCE:**

Following discussion, an Ordinance entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2002-2003. 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 Salem, Tomasek, Cook, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2164 on Final Reading. Roll call. Voting "aye" were Tomasek, Cook, Salem, 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