

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 23, 1999 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, Rick Klamm, Ted Cook. Council Person John Wightman was absent, with the approval of the Mayor. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Barbara Mills, Ruth Seward, Charles Clark. Also present was Bob Blankenship, representing Miller and Associates. Citizens in attendance were Jim VanMark, John and Kathy Redding, Barb Gydesen, Alvin Zimmerman, Ann Smith, Len Bonzinski, Tom Mooberry, Juan Rocloco, Mr. and Mrs. Morry Sapp, and Fernando Barrenco.

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 - 11-9-99: Minutes of the Regular Meeting held November 9, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the minutes of the Regular Meeting held November 9, 1999 as presented. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$262,374.72 was presented 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 \$129,252.76 from the General Fund, \$100,280.83 from the LEXUS Fund, \$19,720.50 from City Sanitation Fund, \$6,877.64 from the Health Fund, \$6,242.99 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Cook, Klamm, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
NOVEMBER 23, 1999 COUNCIL

AFLAC	CANCER PREMIUM	602.12
BARCO MUNICIPAL PROD.	WATER PUMP	159.95
BARMORE'S	MODEM CABLE	10.71
BERNTSON OIL	GAS AND DIESEL	2,297.44
BEST WAY, INC.	PRISONER OF WAR' FLAG	125.50
BRICKER, VANCE	MISC. CONFERENCE EXPENSES	101.50
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	724.18
CHAPMAN, RANDY	ELECTRIC REBATE	350.00
COCA COLA/DR PR-KRNY	POP FOR GGC	26.85
CONNEY SAFETY PROD	GLOVES	198.80
CBSA	EMPLOYEE MEDICAL	6,239.90
COUNTRY GENERAL	NAIL PULLERS, PUMPS, HOSE CLAMPS	81.95
CRESCENT ELEC SPLY	COTAGS AND DRILL BITS	401.34
DEMCO	LIBRARY SUPPLIES	78.12
DEPOSITORY TRUST CO.	1996 GO BOND INTEREST PAYMENT	57,246.25
EAKE'S OFFICE PROD	INK CARTRIDGES	220.98

EBCSO SUBSC SERVICE	LIBRARY BOOKS	1,189.27
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	64.70
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,306.86
FAGOT REFRIG & ELEC	CHECK HEAT PUMPS AND STEAMER	53.50
FISCHER-SCIENTIFIC	AMMONIA SOLUTION	56.70
FLOOR SHINE	RESTORE FLRS FIRE HALL & SRV BLDG	135.00
FYR-TEK	FOAM TANK CAPS	32.89
GALL'S INC.	RINSE GEL FOR POLICE DEPT	47.91
GILET/NE DAIRIES, INC.	DAIRY FOR GGC	112.68
HAAS, T.O., TIRE CO., INC.	TIRE REPAIRS	62.50
HACH CHEMICAL	VIALS	114.60
HAINES, BILL	C.D.L. EXTENSION TO 2003	30.00
HIPP WHLSL FDS INC.	FOOD AND SUPPLIES	350.61
HUEFTLE, MARK	ELECTRIC REBATE	1,100.00
HYDRAULIC EQUIP SRVC	SAW BLADE	49.82
IMPACT COMP SOL	64MB COMPAQ RAM	474.51
INFORMATION PLUS	LIBRARY BOOKS	157.20
INGRAM LIBRARY SRVCS	LIBRARY BOOKS	696.93
K N ENERGY, INC.	FUEL CHARGES	57.50
KAPCO	BOOK JACKET COVERS	44.79
KARRE'S CITY BAKERY	ROLLS FOR ELEC. MEETING	40.90
KRNY WINELECTRIC CO.	CONDUIT	1,080.00
KRIZ-DAVIS COMPANY	TRANSFORMERS	7,716.99
LAW ENFORCEMENT	PISTOL PINS AND GLOVE POUCH	53.85
LAWSON PROD, INC.	NUTS AND WASHERS	460.92
LEAGUE OF NE MUNIC	ANNUAL CONFERENCE NEAL KOHL	164.00
LASWA	SOLID WASTE	49.32
LEXINGTON PUBLIC LIBR	REPLENISH PETTY CASH	62.94
LEX RECR PROGRAM	GIRLS BB & MENS BB-SUPPORT PRSNL	1,300.00
LEX CITY PAYROLL ACCT.	PAYROLL FOR 11/17/999	76,233.06
SOCIAL SECURITY	SOCIAL SEC(EMPLOYER PORTION)	5,754.39
AMERICAN FUNDS	POLICE PENSION(EMPLOYER PORT)	1,078.80
I.C.M.A.	EMPLOYEE PENS(EMPLOYER PORT)	99.70
LIEHS DRILLING	WELL CASINGS, PUMPS, DEWATERING	14,037.88
LUCENT TECHNOLOGIES	INDOOR SIGNAL QRTLTY PAYMENT 95.22	
MEAD/BIG VALLEY LMBR	BUILDING MATERIAL	21.89
MICRO-MARKETING, LLC	LIBRARY BOOKS	136.95
MID-NE FOOD BANK	FOOD	47.04
MIDWAY SUPPLY	OXYGEN	21.50
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	400.00
MISKO SPORTS	BASKETBALLS	311.00
NAT CNCL ON AGING, INC.	MEMBERSHIP - LUTHER, ANN	200.00
NE. DEPT. OF HHS LAB	NITRATE AND COLIFORM TESTING	114.95
NE. DEPT. OF MTR VEH	UNDERCOVER LICENSE	6.00
NE. DEPT. OF WTR RES	WELL REGISTRATIONS	220.00
OLD DOMINION BRUSH	HYDRAULIC MOTOR & DRAPE ASMBLY	447.00
OMNIGRAPHICS, INC.	LIBRARY MAGAZINE RENEWAL	55.00
ORYX PRESS	LIBRARY BOOKS	6.50
OVERTON COMM CNTR	HALL RENT	100.00
OXFORD UNIV PRS, INC.	LIBRARY BOOKS	78.38
PATTY'S HALLMARK	UTIL DESKS & MISC. OFFICE SUPPLIES	2,338.80
PAULSEN INC.	CONCRETE	370.23
PICTURE THIS	DEVELOP FILM	43.96
PLM CRK HLDY DE-LITES	CHRISTMAS LIGHTS	36.00
PLUM CREEK MEDICAL	EMPLOYEE INFLUENZA SHOTS	563.00
PRECISION INDUSTRIES	PILLOW BLOCKS	58.20
PROTECTIVE LIFE INS	EMPLOYEE CANCER PREMIUM	35.62
REIMAN PUBLICATIONS	1 YEAR SUBSCRIPTION RENEWAL	12.98

RIOS, THERESA	ELECTRICAL REBATE	1,300.00
RODALE BOOKS	LIBRARY BOOKS	35.21
SEWARD, RUTH	CONVENTION EXPENSES	55.26
SIGN PRO	LETTERING AND STRIPING-NEW CAR	72.00
SLVR STATE (PIZZA HUT)	CEC MEETING LUNCHES	73.46
SIXTH STREET MARKET	FOOD	78.81
SPEC STORE SRVCS, INC.	AUDIO CASES	70.07
TELEGRAPH	RENEWAL FOR LIBRARY	108.00
TIME LIFE BOOKS	LIBRARY BOOKS	34.96
U S FILTER DISTR GROUP	COUPLING AND ADAPTERS	261.12
U S WEST COMMUN	FINAL BILL 308-324-5813	13.69
UTILITY EQUIPMENT	UNIONS AND ADAPTERS	117.06
WAREHOUSE SURPLUS	SUCKERS FOR UTILITY DEPT.	8.00
WESCO DISTR, INC.	WIRE AND TERMINALS	4,452.02
WESTERN ENG CO INC.	ASPHALTIC COMPOUND	359.42
WORLD AMANAC EDUC	FILMS AND VIDEOS	22.90
WORLD BOOK, INC.	STUDENT DISC ENCYCLOPEDIA	299.00
AXIS CAPITAL, INC.	MAIL MACHINE LEASE #900906	283.31
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	847.93
CENTRAL GARAGE	LABOR/ PARTS/OIL	2,962.41
COMPS BY HAMPTON	LAN EXTENTIONS	6,033.10
DAN'S SANITATION	SOLID WASTE BILLING	19,720.50
FIVE STAR FLOORING	WINDOW BLINDS	449.43
GILLETTE/NE, INC.	DAIRY	200.59
HYDRAULIC EQUIP SRVC	CREDIT ON INVOICE ABOVE	-7.69
JELCO CRPT CLEANING	CLEANING CITY HALL	60.00
LEX VOLUN FIRE DEPT.	ANNUAL STATE MEETING & CONV	1,160.40
LEXINGTON, CITY OF	FRANCHISE FEES	21,686.38
LEXUS	NOVEMBER UTILITY BILLS	11,068.56
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	807.34
PETTY CASH FUND	REPLENISH PETTY CASH (CITY)	31.67
S&W AUTO PARTS INC.	MISC. PARTS AND SUPPLIES	339.08
UNITED NEBRASKA BANK	METER DEPOSIT CHECKS	143.01
	TOTAL CLAIMS	262,374.72

TREE BOARD REPORT:

Barb Gydesen, and Alvin Zimmerman addressed the Lexington City Council explaining to them the projects that have been completed by the Tree Board. Namely the beautification of the Triangle by the Water Tower, and other projects such as planting trees in town. They also informed the Council of the next plan project, which would be the beautification of a triangle on Highway 30, between Jackson and Grant Street. Additionally, they informed the Council that a grant had been received whereby any diseased trees on public and private property, could be removed with the owner paying only \$25.00 to have this completed. Additionally, they would qualify for a replacement tree, which would be funded by this grant. Upon completion of this report, no further action was taken.

TREE BOARD MEMBERS:

Barb Gydesen, and Alvin Zimmerman continued by requesting the City Council increase the Tree Board from five to seven members and allow the outside area around Lexington to be included in their jurisdiction. They also informed the Council that there was a possibility, they were thinking about including Johnson Lake for their Members of the Board. After discussion, Mayor Fagot stated that he was not in favor of increasing members of the Tree Board to seven just to have that many members. Five seems to be adequate to accommodate the current activities. Mr. Zimmerman further stated that they would like to have the Board increase so they could also include two members of City Staff, namely Glenn Hawks and Doug Monter, as members, at which time, there was a question raised to that option by the Council. Upon conclusion of discussion, an Ordinance entitled "AN ORDINANCE TO

AMEND SECTIONS 2-35 AND 2-36 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR ADDITIONAL MEMBERS ON THE CITY TREE BOARD; TO REPEAL ORIGINAL SECTIONS 2-35 AND 2-36, 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 Kohl, that said ordinance be passed on first reading. Roll call. Voting “aye” were Kohl, Klamm, Fagot. Voting “nay” was Cook. Motion carried.

GRAFFITI ORDINANCE:

An Ordinance entitled “AN ORDINANCE TO AMEND SECTION 18-1 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR REMOVAL OF GRAFFITI AS A NUISANCE; TO REPEAL ORIGINAL SECTION 18-1, 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. After a discussion concerning this ordinance, moved by Kohl, seconded by Klamm, that said Ordinance be passed on second reading. Roll call. Voting “aye” were Cook, Kohl, Klamm, Fagot. Motion carried.

SUNDAY ALCOHOL:

An Ordinance entitled “AN ORDINANCE TO AMEND SECTION 3-6 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SUNDAY SALES OF ALCOHOLIC LIQUOR FOR CONSUMPTION OFF THE PREMISES; TO REPEAL ORIGINAL SECTION 6-3, 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. Hearing from Tom Mooberry, representing most of the off-sale establishments in town, asked the Council pass this Ordinance on third reading, as presented. Mr. Fernando Barrenco addressed the City Council stated he sees cases in his occupation, “Heartland Counseling” where drinking is a problem, and is afraid this would increase with the passage of this Ordinance. Council Person Klamm stated that doing some calculation on the amount of sales as reported two meetings ago, he sees only that this would possibly increase liquor sales by 1/28, therefore he would move that Ordinance No. 2114 be passed on final reading, seconded by Kohl. Roll call. Voting “aye” were Cook, Kohl, Klamm, Fagot. Motion carried.

The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

Leon E. Malzahn, City Clerk
Lexington, Nebraska

FINANCIAL REPORT:

The Financial Report for October, 1999, was presented for Council’s consideration and approval. Upon review of the report, moved by Klamm, seconded by Cook, to accept the Financial Report for October, 1999. Roll call. Voting “aye” were Kohl, Cook, Klamm, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Kohl, to recess the Regular Session into Executive Session at 7:53 p.m. Roll call. Voting “aye” were Cook, Kohl, Klamm, Fagot. Motion carried.

Moved by Klamm, seconded by Cook, to reconvene the Regular Session from Executive Session at 8:29 p.m. Roll call. Voting “aye” were Kohl, Cook, Klamm, Fagot. Motion carried.

COMMENTS:

City Manager Bricker informed the Council that there would be a joint meeting tentatively for January 8, 2000 between Lexington, Cozad, Gothenburg, and Dawson County to discuss the possibility of a bond issue, to fund an additional cell at the Solid Waste Facility north of town.

Council Person Kohl requested Memorial Park be closed at 6:00 p.m., as there have been activities in the park that should not be carried on at that location. He also requested that the City look at a Billboard Ordinance such as Lincoln, Nebraska has restricting the placement of Billboards. He said this question was raised concerning Billboards on West Highway 30.

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