

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington city Council was held Tuesday, December 14, 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, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon E. Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward. Also present were Linda Miller, Donna Trueblood, Bob Martin, Dale Holbein, Randy Hendricks, Elberta Brummet, Dave Zauha, and other citizens with an interest in items on the Agenda. The Press was represented by the Clipper-Herald, and KRVN.

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 – 11-23-99: Minutes of the Regular Meeting held November 23, 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 23, 1999 as presented. Roll call. Voting “aye” were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$940,504.42 were presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Wightman, seconded by Klamm, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$248,220.37 from the General Fund, \$665,423.03 from LEXUS, \$10,000.00 from City Sanitation Fund, \$959.54 from the Landfill Fund, \$7,522.76 from the Health Fund, \$8,378.72 from the Meals on Wheels Fund to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE

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| ACE EQUIPMENT & SUPPLY, | BROOMS | 888.00 |
| ALLTEL | SERVICE | 168.47 |
| BARMORE'S | SUPPLIES | 50.95 |
| BARTELS, KARMA, | REBATE | 600.00 |
| BERNTSON OIL | FUEL | 2,168.83 |
| BOSE, MICHAEL | TRAINING | 218.24 |
| BROWN TRANSFER | FREIGHT | 59.02 |
| BRICKER, VANCE | EXPENSE | 110.00 |
| BROWN, HAROLD | TOOLS | 50.00 |
| BURCH, TRUMAN | REBATE | 1,700.00 |
| BUS TELECOMMUNICATION | REPAIRS | 186.50 |
| BUSINESS & PROF CREDIT | SERVICE | 123.97 |
| CASH-WA DISTRIBUTING | FOOD | 1,664.64 |
| CCP INDUSTRIES | TOWELS | 287.47 |

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| C.B.S.A. | EMPLOYEE MEDICAL | 14,483.00 |
| CENTRAL GARAGE | GAS | 3,941.56 |
| CENTURY LUMBER CENTER | SEALANT | 157.88 |
| CENTRAL COMM COLLEGE | CLASSES | 1,634.60 |
| CITY DIRECTORY | DIRECTORIES | 313.00 |
| CLINE'S SMALL ENGINE REPAIR | REPAIR | 79.04 |
| COAST TO COAST | SUPPLIES | 21.29 |
| COMPUTERS BY HAMPTON | COMPUTERS | 2,967.00 |
| COUNTRY GENERAL | TOOLS | 274.05 |
| CULLIGAN WTR COND | SERVICE | 70.80 |
| DAWSON COUNTY JUDGE | DISMISSEL | 1.00 |
| DAWSON CO PUBLIC POWER | SERVICE | 1,944.78 |
| DAWSON COUNTY TREASURER | TAX | 7.59 |
| DAN'S SANITATION | FEES | 10,641.44 |
| DAWSON COUNTY CLERK | DISPATCH FEES | 5,623.73 |
| DAWSON CO REG OF DEEDS | FILING FEES | 17.00 |
| DCRC | REBATE | 5,735.12 |
| DEPOSITORY TRUST CO | PRINCIPAL | 127,790.00 |
| EAKE'S OFFICE PRODUCTS | COPIER | 677.28 |
| ECLIPSE COMMUNICATIONS | SERVICE | 272.72 |
| ELECTRIC FIXTURE | SUPPLIES | 1,656.22 |
| EUSTIS BODY SHOP | REPAIRS | 36.00 |
| FISCHER-SCIENTIFIC | SUPPLIES | 490.39 |
| FIVE POINTS BANK | COPIER | 205.12 |
| FOX BROS. | HAY GRINDING | 750.00 |
| FRANSYL EQUIPMENT | REPAIR | 694.50 |
| GALL'S INC. | SWITCH | 294.95 |
| GEOSTART ENVIRON | SOFTWARE | 950.00 |
| GILLETTE/NE DAIRIES | FOOD | 307.09 |
| GOLDEN AURA PUBLISHING | SERVICE | 3.75 |
| GOV FINANCE OFF. ASSN | UPDATE | 39.95 |
| GREAT PLAINS ONE-CALL SVC, | LOCATES | 62.11 |
| HALLEN, PATRICIA | REBATE | 200.00 |
| HARDESTY, LLOYD | REBATE | 200.00 |
| HARLEQUIN RETAIL | BOOKS | 10.52 |
| HIPP WHOLESALE FOODS | FOOD | 977.11 |
| HILL, WANDA | ANNUITY | 060.21 |
| HOBELMAN, AMY | REBATE | 1,100.00 |
| HUNT CLEANERS | GLOVES | 187.64 |
| INFO USA MARKETING | DIRECTORY | 27.30 |
| INTERNATIONAL PAPER | POLES | 8,728.74 |
| INGRAM LIBRARY SERVICES | BOOKS | 209.94 |
| INTERNAT CITY/CO MGT. ASSN | BOOKS | 79.00 |
| INTERNET USA ,LLC | INTERNET SERVICES | 109.90 |
| JONES PLUMBING & HEATING | SUPPLIES | 222.95 |
| K N ENERGY | SERVICE | 2,185.36 |
| KOEN BOOK DISTR | SUPPLIES | 141.33 |
| KRING, KEN | REPAIR | 12.50 |
| KRIZ-DAVIS COMPANY | TRANSFORMER | 3,024.05 |
| K.R.V.N. - FM, | SERVICE | 173.25 |
| LATINA | RENEWAL | 20.00 |
| LEAGUE OF NEBRASKA MUNIC | SCHOOLING | 225.00 |
| LEXINGTON ANIMAL CLINIC | SERVICE | 494.10 |
| LEXINGTON HEALTH FUND | PREMIUMS | 14,504.23 |
| LEXINGTON COOP | PROPANE | 147.00 |
| LEXINGTON LAUNDRY | SERVICE | 52.00 |

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| LEXINGTON PUBLIC LIBRARY | PETTY CASH | 61.28 |
| LEXINGTON NEWSPAPER | NOTICES | 486.10 |
| LEXUS | SERVICE | 8.94 |
| LEXINGTON, CITY OF | FRANCHISE FEES | 23,881.18 |
| LASWA | FEES | 336.60 |
| LEXINGTON POSTMASTER | RENT | 458.00 |
| LEXIS PUBLISHING | SUBSCRIPTION | 59.41 |
| PAYROLL ACCOUNT | WAGES | 75,463.14 |
| SOCIAL SECURITY | SOC. SEC. | 5,694.94 |
| AMERICAN FUNDS | PENSION | 1,159.65 |
| I.C.M.A. | PENSION | 99.70 |
| LIBERTY MARKETING | ADS | 199.50 |
| LUTHER, ANN | EXPENSE | 30.44 |
| MEAD/BIG VALLEY LUMBER | SUPPLIES | 610.00 |
| MEYER WELDING & REPAIR | COVER | 258.70 |
| MEESTER, ROBERT | REBATE | 750.00 |
| MIDWAY SUPPLY | PARTS | 318.10 |
| MID-STATES UNITS | RENTAL | 315.00 |
| MILLER & ASSOCIATES | SERVICES | 2,100.00 |
| MISTER ANDERSON'S COMPANY | BOOKS | 127.75 |
| MINDEN EXCHANGE BANK | PRINCIPAL & INTEREST | 203,785.00 |
| MODERN OFFICE | WALL RACK | 209.13 |
| MORRIS PR & OFC SUPPLIES | MILEAGE SLIPS | 195.28 |
| MUNICIPAL SUPPLY | TUBING | 44.07 |
| NATIONAL ARBOR DAY FOUND. | MEMBERSHIP | 25.00 |
| NAT INSTIT OF BUSINESS | RENEWAL | 48.00 |
| NEBRASKA DEPT OF REVENUE | SALES TAX | 20,663.05 |
| NE PUBLIC POWER DISTRICT | SERVICE | 324,414.09 |
| NEBRASKA DEPT. OF HHS LAB | TESTING | 969.50 |
| NELSON, THOMAS R, | CLEANING | 500.00 |
| NE STATE HISTORICAL SOCIETY | MEMBERSHIP | 25.00 |
| NEWMAN TRAFFIC SIGNS | SIGNS | 421.06 |
| NE SAFETY & FIRE EQUIPMENT | INSPECTION | 74.00 |
| OLSSON ASSOCIATES | RATE STUDY | 775.00 |
| OMAHA WORLD HERALD | SUBSCRIPTION | 143.00 |
| OVERTON SAND AND GRAVEL | SAND | 202.50 |
| OVERHEAD DOOR | REPAIR | 84.50 |
| PAULSEN INC. | CONCRETE | 235.00 |
| PATTY'S HALLMARK | SUPPLIES | 606.30 |
| PENWORTHY COMPANY | BOOKS | 1,302.37 |
| PETTY CASH FUND | REPLENISH | 34.39 |
| PLATTE VALLEY AUTO MART | PICKUP | 10,905.00 |
| PLATTE VALLEY COMMUN | REPAIRS | 1,320.84 |
| PROTECTIVE LIFE INSURANCE | POLICY | 35.62 |
| PUBLIC LIBRARY ASSOCIATION | MEMBERSHIP | 100.00 |
| RIEGE, IVAN | REBATE | 1,100.00 |
| RCKMNT RSRCH & ALLYS | PARTS | 364.70 |
| ROAD RESCUE | SUPPLIES | 138.30 |
| SAV A LOT DISCOUNT FOODS | FOOD | 65.36 |
| SEWARD, JUSTIN | CLEANING | 225.00 |
| SHOE MART | SAFETY SHOES | 126.72 |
| SHIRLEY, JULIE | REBATE | 1,300.00 |
| SILVER STATE (PIZZA HUT) | LUNCH | 56.74 |
| SIXTH STREET MARKET | FOOD | 86.21 |
| SMART APPLE MEDIA | BOOKS | 381.85 |
| SUMMIT SPORTS & EVENTS | 3 ON 3 B-BALL | 5,000.00 |

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| TIME LIFE BOOKS | BOOKS | 20.98 |
| TODD, MICHAEL & CO | BANDING | 329.80 |
| TRI-CITY TRIBUNE | SCHEDULES | 253.00 |
| TRI-COUNTY HOSPITAL | MEMBERSHIP | 212.50 |
| UNIQUE BOOKS | BOOKS | 100.94 |
| U.S. POSTAL SERVICE | POSTAGE | 1,500.00 |
| U.S. FILTER DISTR GROUP | HOSE | 430.55 |
| U S WEST COMMUNICATIONS | SERVICE | 1,945.22 |
| UTILITY EQUIPMENT | BORING | 377.35 |
| VAN PELT, ROD | REBATE | 1,100.00 |
| VER MAAS, KENNETH | REBATE | 1,100.00 |
| WAL-MART | SUPPLIES | 537.32 |
| WEST CENTRAL NE DEV | DRAWDOWN | 700.00 |
| WEBER & WEINHOLD | SERVICES | 1,207.50 |
| WESCO DISTRIBUTION | WIRE | 9,219.35 |
| WEST GROUP | SERVICE | 1,086.30 |
| WESTERN ENG CO, | ASPHALT | 390.14 |
| WESTERN PATHOLOGY | DRUG TESTS | 50.00 |
| WILSON CONCRETE | RISERS | 195.20 |
| WORLD ALAMAC EDUCATION | ALMANAC | 22.81 |
| WORLD BOOK DIRECT MRKTING | BOOK | 27.44 |
| CASH-WA DISTRIBUTING | FOOD | 903.23 |
| CENTRAL GARAGE FUND | LABOR | 4,217.88 |
| CINDY'S HEAVENLY COOKIES | FOOD | 24.75 |
| FLOOR SHINE | SERVICE | 145.00 |
| HAAS, T.O. CO | TIRES | 42.30 |
| KIRK'S | MEETING | 29.12 |
| OMAHA LIFE INSURANCE | FIREMAN INSURANCE | 56.00 |
| S&W AUTO PARTS | SUPPLIES | 1,375.65 |
| TEXACO | FUEL | 11.90 |
| | TOTAL | \$940,504.42 |

TREE BOARD MEMBERS:

Mayor Fagot informed the City Council that the ordinance before them included an amendment which would keep the present five members on the Tree Board, would not expend membership, but would allow the people from the surrounding areas to serve on the Tree Board. Upon the completion of his explanation, moved by Cook, seconded by Kohl, to approve the amendment to the Ordinance, allowing membership to the Tree Board from other than the City Limits of the City of Lexington. Roll call. Voting "aye" were Klamm, Wightman, Kohl, Cook, Fagot. Motion carried. Said Ordinance was then read by Title. Moved by Wightman, seconded by Klamm, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried. Said Ordinance was again read by Title. Moved by Klamm, seconded by Wightman, that Ordinance No. 2115 be passed on final reading. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried. The passage and adoption of Ordinance No. 2115 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 Ordinance No. 2115 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

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. Upon completion of the reading, moved by Wightman, seconded by Klamm, that Ordinance No. 2116 be passed on third reading. Roll call. Voting “aye” were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried. The passage and adoption of Ordinance No. 2116 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 Ordinance No. 2116 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

PUBLIC HEARING:

The Lexington City Council held a Public Hearing to consider the request of Joe Rios and Connie Foster for a Special Use Permit to place a Mobile Home at the Northwest Corner of Road 436 and U.S. Highway 30. There being no one present to speak for the issuance of the special use permit, and no one to speak against it, Mayor Fagot declared the Public Hearing closed. Due to the absence of the applicants requesting a Special Use Permit, Councilperson Wightman moved to table the decision on the special use permit, until the end of the meeting, at which time, if no one has appeared, the item will not be acted upon. , seconded by Klamm Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

LIBRARY BOARD REPORT:

Linda Miller addressed the Lexington City Council outlining the steps that the special committee of the Library Board has taken thus far in developing plans for a Library Expansion. Mrs. Miller stated that they had interviewed various architects and have decided to recommend Clark & Emerson as the architect for the renovation of the Library. She further stated that at this time, to get a concept of the building, would be approximately \$14,000.00. Upon completion of this part of the report, moved by Wightman, seconded by Kohl, to authorize the Library Board the disbursement of up to \$14,000.00 for architectural design and the appointment of Clark and Emerson, as architects for the planning of the new Library. Roll call. Voting “aye” were Cook, Klamm, Kohl, Wightman, Fagot. Motion carried.

Mrs. Miller went on to state that there would be a Public Forum on Wednesday, December 29, 1999, for other input on the Library.

FIRE DEPT. REQUEST:

Mr. Dale Holbein representing the Lexington Fire Department as Secretary/Treasurer, addressed the Lexington City Council stating that the Fire Department would like to advertise of bids for a new fire truck. After a series of questions concerning the status of the existing fire truck that this is to replace, moved by Cook, seconded by Wightman, to allow the Fire Department to advertise for bids for a new fire truck. Roll call. Voting “aye” were Kohl, Klamm, Wightman, Cook, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Wightman, seconded by Klamm, to recess the Regular Session into Executive Session at 8:15 p.m. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

Moved by Wightman, seconded by Klamm, to reconvene the Regular Session from Executive Session at 9:16 p.m. Roll call. Voting “aye” were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Comments after the meeting regarded barking dogs at 1600 N. Jefferson. Council person Kohl requested a status report on the Billboards. Council person Klammer asked City Administration to check with the Highway Department about painting the curbs on Highway 283 yellow as they are in most other towns.

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. Leon E. Malzahn Lexington City Clerk

Lexington City Clerk