

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington city Council was held Tuesday, December 28, 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 Attorney Willard Weinhold, City Manager Vance Bricker was absent. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward and Barb Mills. Also present was Barb Gydesen. The Press was represented by the Clipper-Herald, KRVN. Tri City Tribune and the Kearney Hub

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 December 14, 1999 was presented for Council’s consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes as presented. Roll call. Voting “aye” were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$212,989.63 were 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 \$77,563.45 from the General Fund, \$85,929.52 from LEXUS, \$19,680.75 from City Sanitation Fund, \$2,089.80 from the Landfill Fund, \$22,052.37 from the Health Fund, \$5,673.74 from the Meals on Wheels Fund to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Wightman, Cook, Klamm, Kohl, and Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
DECEMBER 28, 1999 COUNCIL

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| AFLAC | CANCER PREMIUM | 563.52 |
| ALAMAR UNIFORM CO. | UNIFORM PANTS | 116.17 |
| ALLTEL | CELLULAR CHARGES | 118.92 |
| AXIS CAPITAL, INC. | MAIL MACHINE LEASE | 283.31 |
| BARCO MUNICIPAL PROD. | SEWER SUPPLIES | 522.68 |
| BARRETT-HOUSEL-GRAFTON | 1997 FORD P/U INSURANCE | 105.00 |
| BERNTSON OIL | DIESEL AND GAS | 2,101.26 |
| BIEHL, EILEEN | ELECTRIC REBATE | 1,300.00 |
| BUSINESS & PROF CREDIT | UTILITY CREDIT COLLECTIONS | 111.27 |
| C.B.S.A. | EMPLOYEE MEDICAL | 21,488.85 |
| CASH-WA DISTRIBUTING | LIQUID SOAP | 944.56 |
| CLINE'S SMALL ENGINE REPAIR | ROPE | 10.00 |
| COMPUTER MGMNT SERVICES | COMPUTER CRASH RECOVERY | 85.00 |
| COUNTRY GENERAL | BOLTS-LIGHTS-PAINT | 50.36 |
| CURTIS INDUSTRIES, INC. | HARDWARE | 363.33 |

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| DAWSON COUNTY SHERIFF | GANG OFFICER | 4,160.00 |
| DEMCO | LIBRARY SUPPLIES | 56.48 |
| DUGAN BUSINESS FORMS | UTILITY BILLS | 1,116.93 |
| EILERS MACHINE & WELDING | ANGLE IRON | 42.40 |
| ELECTRIC FIXTURE | ELECTRICAL SUPPLIES | 930.86 |
| ELECTRONIC GAMING MONTHLY | LIBRARY MAGAZINE RENEWAL | 19.99 |
| FYR-TEK | LIGHTBARS | 2,791.04 |
| GILLETTE/NE DAIRIES INC. | DAIRY | 225.73 |
| HACH COMPANY | AMMONIA | 70.50 |
| HIPP WHOLESALE FOODS, INC. | FOOD AND SUPPLIES | 679.29 |
| INGRAM LIBRARY SERVICES | LIBRARY BOOKS | 394.77 |
| INTERN BUS DIRECTORIES | CD ROM/AT&T TOLL FREE INDEX | 206.50 |
| JELCO CARPET CLEANING | CLN-CITY HALL/GGC/SRV BLDG. | 302.00 |
| JONES PLUMBING & HEATING | PIPE FITTINGS | 12.25 |
| KAPCO | EASY BIND | 42.12 |
| KAR PRODUCTS | BOLTS | 80.67 |
| KRIZ-DAVIS COMPANY | SPLICE KIT | 208.58 |
| LANTZ, FLORENCE | ELECTRIC REBATE | 1,100.00 |
| LEXINGTON COOP | CALCIUM CLORIDE & PROPANE | 142.40 |
| LEXINGTON PUBLIC LIBRARY | REPLENISH PETTY CASH | 9.26 |
| PAYROLL FOR 12/16/1999 | WAGES | 75,679.46 |
| SOCIAL SECURITY | SOCIAL SEC(EMPLOYER PORT) | 5,711.45 |
| FIRST NATIONAL BANK | EMP PENSION(EMPLYER PORT) | 2,323.13 |
| AMERICAN FUNDS | POLICE PENS(EMPLYR PORT) | 994.51 |
| I.C.M.A. | EMP PENS(EMPLYR PORT) | 99.70 |
| MEAD/BIG VALLEY LMBR | CEMENT FLOATS AND LUMBER | 116.99 |
| MERIDIAN LIBRARY SYSTEM | REGIST-LIBRARY CONFERENCE | 150.00 |
| MEYER WELDING & REPAIR | METAL | 24.24 |
| MIDWEST LABORATORIES INC. | SLUDGE TESTING | 172.75 |
| MILLER & ASSOCIATES | DEC RETAINER SERVICES | 2,300.00 |
| MUNICIPAL SUPPLY | MTR PIT RISERS & PIPE INSERTS | 626.59 |
| NE CONF-BLDG OFCLS & INSPEC | MBRSHF FEE-BLDG INSPECTOR | 20.00 |
| NEBR. DEPT. OF HHS LAB | WATER TESTS | 122.36 |
| NEWMAN TRAFFIC SIGNS | LETTERS AND SIGNS | 551.52 |
| OMNIGRAPHICS, INC. | LIBRARY BOOKS | 36.30 |
| OVERTON COMMUNITY CENTER | CENTER RENT | 100.00 |
| OWENS, BRICE | ELECTRIC REBATE | 1,200.00 |
| PACK-O-FUN | SUBSCRIPTION RENEWAL | 14.97 |
| PATTY'S HALLMARK | PRNTR CRTRDG & OFC SPLIES | 332.76 |
| PAULSEN INC. | CONCRETE | 891.56 |
| PERSONAL REPORT | 12 ISSUE SUBSCRIPTION | 48.00 |
| PLATTE VALLEY AUTO MART | BRAKE ASSEMBLY | 26.98 |
| QUINLAN PUBLISHING | BLDG. PERMITS LAW BULLETIN | 75.78 |
| RAINBOW INDUSTRIAL PROD | SAFETY SOLVENT | 407.02 |
| S & W AUTO PARTS INC. | PARTS | 21.00 |
| SAV A LOT DISCOUNT FOODS | OFFICE SUPPLIES | 23.52 |
| SCHULTE, RICHARD | ELECTRIC REBATE | 1,200.00 |
| SIGN PRO | VEH DECALS & SRV. BLDG. LTRS | 1,186.40 |
| U S FILTER DISTRIB GROUP | WATER AND SEWER SUPPLIES | 2,369.72 |
| U-SAVE FOODS, INC. | SUPPLIES | 58.06 |
| VIDEO SAMPLER, THE | LIBRARY BOOKS | 17.95 |
| WAL-MART | MISC. OFFICE SUPPLIES | 231.62 |
| WESCO DISTRIBUTION, INC. | INSULATORS & GUY GUARDS | 562.33 |
| YOUNG'S SPORTING GOODS | BASKETBALL PINNIES | 44.07 |
| BERNTSON OIL., INC. | GAS AND DIESEL | 635.27 |
| CENTRAL GARAGE FUND | LABOR-PARTS-OIL | 3,536.36 |

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| CSUS FOUNDATION INC. | TRAINING MATERIALS - WWTP | 317.00 |
| DAN'S SANITATION | UTILITY BILLING-SOLID WASTE | 19,680.75 |
| KRIZ-DAVIS COMPANY | ELECTRICAL SUPPLIES | 4,286.10 |
| LEXUS | DECEMBER UTILITY BILLING | 11,056.92 |
| LEXINGTON, CITY OF | UTIL BILLING-FRANCHISE FEES | 23,325.36 |
| MILLER & ASSOCIATES | WELLS 17&18-JFRSN WTERMAIN | 10,407.55 |
| MILLS, BARBARA | UNIV FEE REIMBURSEMENT | 251.00 |
| PETTY CASH FUND | REPLEN PTY CASH-CITY OFFICE | 60.99 |
| PLUM CREEK MEDICAL GROUP | WRKMNS CMP - REINERTSON | 131.00 |
| S&W AUTO PARTS, INC. | MISC. PARTS CENTRAL GARAGE | 804.59 |
| | TOTAL CLAIMS | 212,989.63 |

OVERPASS RESOLUTION:

Assistant City Manager Peplitsch informed the Council that during the traffic studies conducted by the Department of Roads, it was determined that the current overpass may need to be upgraded from a two (2) lane structure to four (4) lanes. He further explained that this Resolution would place Lexington's name in the Queue for funding part of this project. After the completion of his presentation Councilperson Klamm moved that the following Resolution be passed, Seconded by Wightman. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm and Fagot. Motion carried.

RESOLUTION 99-33

WHEREAS, increased traffic volume on South Highway 283 at the Union Pacific railroad viaduct has become a public safety concern, and warrants expansion to a four-lane structure.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the State of Nebraska Department of Roads is hereby requested to consider improvement of the Union Pacific Railroad viaduct on South Highway 283 to a four lane structure, with the understanding that the City of Lexington will be required to share in the cost of such project according to State and Federal policies.

Passed and approved this 28th day of December, 1999.

John Fagot, President of the Council

ATTEST:

Leon E. Malzahn City Clerk

FINANCIAL REPORT:

The City of Lexington Financial report for November 1999 was presented to the Council as was a report on sales tax receipts. Upon completion of these reports, Council Person Wightman moved to accept the financial report for November, 1999. Seconded by Klamm. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

APPOINTMENTS:

Mayor Fagot announced his appointments to the following Boards and Commissions of the City of Lexington. The Mayor's re-appointments are as follows: John Knapple Board of Adjustment; James Macias Civil Service Commission; Pat Oaks Housing Authority; Jim Doyle and Donna Trueblood Library Board; Toby Owens, William Grant and Charlene West to the Planning Commission; Neal Kohl, Pat Samway, John Fagot and Katy Schulte to the Recreation Advisory Board; Dave Stenberg and Tim Boyle to the Lexington

Tree Board. The Mayor further appointed Jim Macias to fill the un-expired term of Bill Pepper on the Planning Commission, and Patty Johnson to the DAD Board to fill the un-expired term of Clark Cunningham. Upon the conclusion of the announcement, Council Person Kohl moved for approval of the Mayor's appointments, Seconded by Wightman . Roll call. Voting "aye" were Cook, Klamm, Kohl, Wightman, Fagot. Motion carried.

**APPOINTMENT
ORDINANCE:**

An Ordinance entitled **AN ORDINANCE APPOINTING A CITY CLERK: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM** was read before the Council. Councilperson Wightman moved that rules requiring the reading of ordinances on three separate days be suspended. Seconded by Klamm Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried. Said ordinance was then read by title whereupon Councilperson Wightman moved for passage of Ordinance No. 2117 on final reading.. Seconded by Klamm. Roll call. Voting "aye" were Cook, Klamm, Kohl, Wightman, Fagot. Motion carried. The passage and adoption of said Ordinance No. 2117 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 No. 2117, 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

An Ordinance entitled: **AN ORDINANCE APPOINTING A CITY ATTORNEY: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM** was read before the Council. Councilperson Klamm moved that rules requiring the reading of ordinances on three separate days be suspended. Seconded by Wightman. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried. Said ordinance was then read by title whereupon Councilperson Wightman moved for passage of Ordinance No. 2118 on final reading. Seconded by Klamm. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm. Fagot. Motion carried. The passage and adoption of said Ordinance No. 2118 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 No. 2118, 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

An Ordinance entitled **ORDINANCE APPOINTING A CITY ENGINEER: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM** was read before the Council. Councilperson Wightman moved that rules requiring the reading of ordinances on three separate days be suspended. Seconded by Klamm Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried. Said ordinance was then read by title whereupon Councilperson Wightman moved for passage of Ordinance No. 2119 on final reading. Seconded by Klamm. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried. The passage and adoption of said Ordinance No. 2119 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 No. 2119, 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

An Ordinance entitled **AN ORDINANCE APPOINTING A CITY PHYSICIAN: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM** was read before the Council. Councilperson Klamm moved that rules requiring the reading of ordinances on three separate days be suspended. Seconded by Wightman Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried. Said ordinance was then read by title whereupon Councilperson Klamm moved for passage of Ordinance No. 2120 on final reading. Seconded by Kohl. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried. The passage and adoption of said Ordinance No. 2120 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 No. 2120, 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

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