

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 13, 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 Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Pepsplitsch, Charles Clark, Ruth Seward, and Barb Mills. Also present were Dana Daniels and Bob Blankenship representing Miller and Associates. The Press was represented by the Clipper-Herald, KRVN, Tri City Tribune, and 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 - COUNCIL
RETREAT - 6-12-99:** Minutes of the Special Meeting held June 12, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the minutes of the Special Meeting held June 12, 1999 as presented. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**MINUTES - REGULAR
MEETING - 6-22-99:** Minutes of the Regular Meeting held June 22, 1999 was presented for Council's consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held June 22, 1999 as presented. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$740,025.26 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, moved by Klamm, seconded by Wightman, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$134,017.83 from the General Fund, \$576,403.25 from LEXUS, \$9,979.00 from City Sanitation, \$8.69 from the Landfill fund, \$7,356.68 from the Meals on Wheels Fund, \$11,489.81 from the Health Fund, \$436.00 from the Library Memorial Fund, and \$334.00 from the Miller Fund to the City of Lexington's Operating Account. Roll call. Voting "aye" were Cook, Kohl with the exception of Mr. Automotive, Wightman, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
JULY 13, 1999 COUNCIL

ACCU CUT
ACE EQUIP & SUPPLY CO.

FILM FOR LAMINATOR 75.00
GUTTER BROOMS 763.87

ALAMAR UNIFORM CO.	UNIFORMS	161.07
ALIAN T CELLULAR	CELLULAR CHARGES	211.57
ASSOC SUPPLY CO, INC.	POOL SUPPLIES & CHEM	3,392.73
AWARD PLUS	MEDALS-RIBBONS-PLAQUES	122.10
BARCO MUNIC PRODUCTS	SLOW-CHILD PLAYING SIGN	54.36
BARMORE'S	OFFICE SUPPLIES	31.23
BARNES, JERRY	UTILITY REFUND	46.58
BENEFIT PLANS INC.	PROF SRVCS FOR 414 & 401	1,980.00
BERNIE AND PAT'S	FRAME PICTURES	314.94
BERNTSON OIL	FUEL AND OIL	2,449.17
BEST WAY, INC.	RAINSUITS & SAFETY VESTS	863.86
BILL'S FARM & RANCH SRVCS	GRASS SEED	99.00
BRODERBUND	UPGRADE PRINTMASTER	25.95
C.B.S.A.	INSURANCE PREMIUMS	7,649.28
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	9,119.88
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	1,923.70
CENTRAL GARAGE FUND	LBR, PRTS, TRS, GAS AND OIL	11,075.33
CENTURY LUMBER	PLYWOOD	173.81
CHIEF SUPPLY	EMERGENCY EQUIPMENT	159.84
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	157.50
CLINE'S SML ENG RPR	RAD AND FUEL PUMP REPAIR	95.00
COAST TO COAST	MISC. SHOP SUPPLIES	16.15
COCA COLA/DR PEPR-KRNY	POP FOR POOL	517.00
COUNTRY GENERAL	MISC. SHOP SUPPLIES	227.71
CREDIT BUREAU OF LEX	ANNUAL BULLETIN FEE	120.00
CULLIGAN WATER COND CO.	WWTP & GGC WTR TRTMNT	76.50
D & M SECURITY	JULY - SEPT 1999 CONTRACT	105.00
DANKO EMERG EQUIP CO.	CONTR SRVC & MAINT	1,435.85
DAN'S SANITATION	SANITATION SERVICE	10,875.44
DAWSON COUNTY CLERK	DISPATCH FEES	5,067.67
DAWSON CO PUBLIC POWER	JUNE POWER CHARGES	1,979.40
DAWSON CO REG OF DEEDS	EASEMENTS	18.00
DAWSON CO WEED CONTROL	WEED SPRAYING	187.47
DEMCO	LAMINATE GLOSS	49.71
DIAMOND ENGINEERING CO.	TRAFFIC PAINT & THINNER	1,064.00
EAKE'S OFFICE PRODUCTS	COPIER PMT. AND SUPPLIES	846.66
ECONOMY HANDICRAFTS	ART SUPPLIES - REC. DEPT.	119.88
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	153.23
FAGOT REFRIG & ELECTRIC	PUMPS/WELL 16 SPLY TANK	2,650.34
FLOOR SHINE	RESTORE FLOORS	75.00
FOUR SEAS SWIMWEAR INC.	SWIMWEAR	71.75
FOX BROS. HAY CO., INC.	GRINDING TREES	1,187.50
FREDERICK, MICHAEL	LIBRARY BOOKS	14.00
GAYLORD BROS., INC.	DATA LABEL SET	32.84
GILLETTE/NE DAIRIES, INC.	DAIRY PRODUCTS-GGC	311.28
GOLD MEDAL PRODUCTS CO.	SNO. DIPPER	16.95
GOVT FIN OFFICERS ASSN.	BUDGET AWARDS PROGRAM	30.00
GRT PLAINS ONE-CALL SRVC	UTILITY LOCATES	147.65
HAAS, T.O. TIRE CO., INC.	TIRE	18.34
HARCO/CPS WATERWORKS	ANNUAL SERVICE	910.00
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HEARST CORPORATION, THE	MAGAZINE SUBSCRIPTION	29.97
HRTLND OPER CONFERENCE	WWTP OPERATORS CONF	80.00
HERNANDEZ, BOB	LIBRARY BOOKS	24.95
HILL-HOLDREGE INTER-LIBR	APR - JUNE 1999 REFERRALS	2.00

HIPP WHOLESALE FDS, INC.	SUPPLIES	70.75
HUSKER AG SALES	SUPPLIES	327.93
I.C.M.A. CONF REGISTRATION	BRICKER CONF REGIS	952.00
I.C.M.A. DISTRIBUTION CNTR	REFERENCE BOOKS	41.00
IIMC	MALZAHN MEMBERSHIP FEES	95.00
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	273.05
INS & PERSONNEL SERVICES	ADMINISTRATION FEES	492.66
INTERNATIONAL PAPER CO	POLES	8,929.96
INTERNET USA., LLC	INTERNET MODEM	199.80
JELCO CARPET CLEANING	JUNE CRPT CLEAN CITY HALL	60.00
JONES PLUMBING & HEATING	RPR SHOWERS & WTR HTR	1,371.37
JOY BOOK NOOK	LIBRARY BOOKS	59.34
K.R.V.N. - FM	CONTRACT #2287501	150.00
KAPCO	BOOK JACKET COVERS	41.90
KAR PRODUCTS	NUTS AND WASHERS	39.60
KARRE'S CITY BAKERY	DONUTS	3.85
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	2,336.18
LAKOTA	POLICE OFFICER INTERVIEWS	22.53
LARSON, MARILYN	RECEP FOR LIZ RICHARDSON	100.00
LEWIS, SHIRLEY	PER DIEM FOR WORKSHOP	50.00
LEXINGTON ANIMAL CLINIC	ANIMAL CARE JUNE	615.60
LASWA	SOLID WASTE FEES	954.00
LEXINGTON COOP	PRAMITOL AND GLOVES	604.60
LEXINGTON HEALTH FUND	SELF-FUNDING	14,830.46
LEXINGTON LAUNDRY	LAUNDRY SERVICES	56.00
LEX NEWSPAPERS, INC.	LEGAL NOTICES AND ADS	492.18
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	MAIL-REPLENISH PTY CASH	78.53
LEX RECREATION PROGRAM	LITTLE LEAGUE UMPIRE FEES	96.00
LEXINGTON TRUCK AND AUTO	GAS TANK	22.50
LEXINGTON, CITY OF	MO FEES & FRANCHISE FEES	23,845.46
PAYROLL - 01-Jul-99	WAGES	86,317.94
SOCIAL SECURITY	EMPLOYER PORT FICA/MED	6,524.25
FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,333.65
AMERICAN FUNDS	POLICE PENSION	990.45
ICMA	PEPPLITSCH PENSION	99.70
MAXIMUM PROMOTIONS, INC.	T-SHIRTS	33.45
MEAD/BIG VALLEY LUMBER	PAINT-GRDMRKR-SCRNDRS	1,265.09
MEYER WELDING & REPAIR	CABINET FOR SECONDARY	642.47
MICK'S PLT VALLEY GLASS	REPAIR ROCK CHIP	40.00
MICRO-MARKETING, LLC.	LIBRARY BOOKS	24.00
MIDWAY SUPPLY	ENGINE & PARTS & SUPPLIES	1,646.95
MILLER AND ASSOCIATES	PROFESSIONAL SERVICES	2,100.00
MISCO SPORTING GOODS	SOFTBALLS	181.97
MOORE MEDICAL CORP.	SPLINT KIT AND CARRY CASE	117.52
MORRIS PRSS & OFC SPLIES	ROLODEX	10.65
MORRISON, HARVEY	UTILITY REFUND	31.70
MR. AUTOMOTIVE	SEAL AND FUSES	36.86
NE. DEPT. OF HHS LAB	CHEMICALS	88.70
NE DEPT OF LABOR	UNEMPLOYMENT BENEFITS	1,288.05
NE DEPT OF REVENUE	UTILITY AND POOL TAXES	22,511.58
NE MACHINERY	REPLACE CYLINDER HEAD	1,720.95
NELSON, THOMAS R	CITY HALL CLEANING	500.00
OMAHA LIFE INSURANCE CO.	FIREMAN INSURANCE	64.00
OMNIGRAPHICS, INC.	LIBRARY BOOKS	36.40

OVERTON SAND & GRAVEL	SAND AND GRAVEL	336.00
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	252.78
PAULSEN INC.	CONCRETE	746.38
PLATTE VALLEY COMMUN	MNT. CONTR & RADIO RNTL	279.50
PLUM CREEK PROMOTIONS	SHIRTS	714.00
PLUM CRK TELEPHONE SYS	PHONE REPAIR	165.00
PRECISION IND	PILLOW BLOCK	83.82
PRESTIGE BUSINESS FORMS	FLYERS-PLUM CREEK RACE	274.86
PRINTING PRESS, THE	5000 TORNADO FLYERS	291.71
REACH ELECTRONICS	PAGER REPAIR	17.50
RECORDED BOOKS	LIBRARY BOOKS	579.20
REFIOR, CHERYL	HEM UNIFORM SLACKS	6.00
RENT ALL RENTALS	EQUIP LIFT & HAMMER DRILL	73.33
RICK'S AUDIO/VIDEO	REPAIR WALL CLOCK	30.00
RCKMNT RSRCH & ALL, INC.	WHEELS AND LENS	192.29
S & W AUTO PARTS, INC.	MISC. SHOP SUPPLIES	1,057.72
SAV A LOT DISCOUNT FOODS	POOL FOOD	17.66
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,384.15
SENSUS TECHNOLOGIES, INC.	INSTRUMENT REPAIRS	87.71
SEWARD, JASON	LIBRARY CLEANING	225.00
SEWARD, RUTH	OPEN HOUSE-GTHNBRG MILG	13.64
SIMON & SCHUSTER	LIBRARY BOOKS	166.85
SIXTH STREET MARKET	FOOD AND SUPPLIES	83.55
SKILL PATH SEMINARS	MILLS CONF REGISTRATION	149.00
TAVARES, MARIA	UTILITY REFUND	74.92
TEEN	LIBRARY MAGAZINE	9.97
TEXACO CSTMR CARD CNTR	FUEL	16.40
TIME LIFE BOOKS	LIBRARY BOOKS	44.96
TRI-CITY TRIBUNE	COZAD PAPER RENEWAL	23.50
U.S. POSTAL SERVICE	POSTAGE FOR UTIL DEPT	1,500.00
US WEST COMMUNICATIONS	JUNE PHONE CHARGES	2,005.29
UTILITY EQUIPMENT	GATE VALVES AND GASKETS	728.81
VIKING OFFICE PRODUCTS	COPY PAPER	34.85
WAL-MART	MISC. OFFICE SUPPLIES	708.43
WALKER ROOFING CO, INC.	REPAIR LEAK AT CITY HALL	304.40
WAREHOUSE SURPLUS	DUM DUMS FOR UTILITY OFC	16.80
WEBER & WEINHOLD	PROFESSIONAL SERVICES	2,176.44
WENBURG, FLOYD	MOW AND CLEAN YARD	30.00
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	1,886.06
WILSON, H.W., CO.	LIBRARY BOOKS	305.00
ZEP MANUFACTURING CO.	CLEANING SUPPLIES	65.90
BEST WESTERN AIRPORT INN	NCBOI CONF-LINC-NELSON	54.75
COCA COLA/DR PEPP-KRNY	GGC POP-JUNE	44.75
C.B.S.A.	EMPLOYEE MEDICAL	1,877.27
FAGOT REFRIG & ELECTRIC	INSTALL HEAT PUMP WWTP	4,748.43
HORIZONS, INC.	AERIAL PHOTOGRAPHY	1,800.00
NE PUBLIC POWER	JUNE POWER CHARGES	452,534.98
PLATTE VALLEY COMMUN	JUNE REPAIRS	1,455.56
SAFETYLINE CONSUL, INC.	UNIFORMS FOR ELEC DEPT	4,736.97
TEXACO CUST CARD CENTER	JUNE CONF-GERING-BRICKER	13.56
TRI COUNTY HOSPITAL	JUNE MBRSHIP FITNESS CNTR	212.50
	GRAND TOTAL	\$740,025.26

VACATING ALLEY:

Ordinance Number 2112 entitled "AN ORDINANCE TO VACATE

THE ALLEY IN BLOCK SEVENTEEN IN THE ORIGINAL TOWN OF LEXINGTON; TO PROVIDE FOR REVERSION OF THE VACATED ALLEY TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before the City Council to be considered on second reading. The City Manager informed the Council that no questions had been asked or comments had been received in the past three weeks concerning the closure of this alley. With that, Council Person Klamm moved that the rules requiring the reading of said Ordinance 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. Moved by Klamm, seconded by Wightman, that Ordinance Number 2112 be passed on final reading. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, 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

CHANGE ORDER:

The Lexington City Council considered a change order from W.S. Bunch for maintenance work performed on the water tower. Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council stating that the additional sum of \$4,650.00 requested for W.S. Bunch for power washing the tank. Mr. Daniels stated that hopefully this would decrease the amount of time required for tests to be approved and get the tank back on line. Upon completion of his presentation, moved by Wightman, seconded by Klamm, to approve Change Order Number One to W.S. Bunch for restoration of the north water tower in the amount of \$4,650.00. Roll call. Voting “aye” were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

PAY ESTIMATE:

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council with the request to pay estimate for restoration of elevated water storage on the north water system. After review on the pay estimate, and a discussion pertaining to the amount of time and expenses the City has incurred due to the extended period of time the water tower was off-line, and the pumps had to be attended to manually, Council Person Wightman moved that Pay Estimate Number One be reduced to \$60,000.00, seconded by Cook. Roll call. Voting “aye” were Cook, Wightman. Voting “nay” were Klamm, Kohl, Fagot. Motion failed.

After additional discussion pertaining to this contract, Council Person Klamm, moved for approval of Pay Estimate Number One, in the amount of \$69,611.40 and authorize the City Treasurer to transfer this amount from the Lexus Funds to the City of Lexington Operating Account. Roll call. Voting “aye” were Cook, Kohl, Klamm, Fagot. Voting “nay” was Wightman. Motion carried.

**CHANGE ORDER -
WELL 16:**

Mr. Dana Daniels, representing Miller and Associates addressed the City Council stating that the change order submitted to the council was a result of a reduction in the construction of municipal water well number 16. He further stated this reduction is a combination of three things: The first was the addition for painting the interior and exterior well house in the amount of \$590.00. A reduction of the discharge column of 7 linear feet for \$4,550.00, and the changing of a 100 horse motor down to a 75 horse motor of \$100.00. He concluded by advising the council that these changes resulted in a net reduction of \$4,060.00. Upon the completion of his explanation of the change order, moved by Klamm, seconded by Wightman, that change order number three in the reduced amount of \$4,060.00 be approved, and City Manager be allowed to sign same. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

PAY REQUEST NO. 2:

Pay Request Number 2 from Liehs Drilling for the construction of Municipal Water Well Number 16 was presented to the Council. After review of the Pay Request, moved by Wightman, seconded by Klamm, to approve the final pay request from Liehs Drilling in the amount of \$45,144.70 for construction of Municipal Well Number 16 and authorize the City Treasurer to transfer this amount from the Lexus Funds to the City of Lexington Operating Account.. Roll call. Voting "aye" were Kohl, Klamm, Wightman, Fagot. Voting "nay" was Cook. Motion carried.

**PAY ESTIMATE-
MIDLANDS
CONSTRUCTION:**

Mr. Dana Daniels, presenting application number one for water main improvements on Grant Street and Twentieth Street in Lexington in the amount of \$44,659.31. Mr. Daniels stated that this pay estimate does match the amount of work completed, and therefore is recommending payment. Moved by Wightman, seconded by Klamm, to approve application number one from Midlands Construction in the amount of \$44,659.31 for improvements of water mains on Grant Street and 20th Street, and authorize the City Treasurer to transfer this amount from the Lexus Funds to the City of Lexington Operating Account.. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Wightman, to recess the Regular Session into Executive Session to discuss Personnel, and negotiation for the purchase of land, at 7:55 p.m. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot.

Moved by Klamm, seconded by Wightman, to reconvene Regular Session from Executive Session at 8:35 p.m. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

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