

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 14, 1999 at the Lexington Municipal Building, 406 East 7<sup>th</sup> 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 Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Ruth Seward, Barbara Mills. Also present were Bob Blankenship representing Miller and Associates. Citizens in attendance were Nova Workman, Mr. and Mrs. Ken Kring, Maurice O'Brien. 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 - 8-24-99:** Minutes of the Regular Meeting held August 24, 1999 was presented for Council's consideration and approval. Moved by Wightman, seconded by Klamm to approve the minutes of the Regular Meeting held August 24, 1999 as presented. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**MINUTES - SPECIAL MEETING - 9-2-99:** Minutes of the Special Meeting held September 2, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the minutes of the Special Meeting held September 2, 1999 as presented. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,042,092.32 was 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 \$201,214.91 from the General Fund, \$626,170.46 from the LEXUS Fund, \$10,000.00 from City Sanitation, \$8.69 from the Landfill Fund, \$178,646.61 from the Ed Reuse Fund, \$14,359.74 from the Health Fund, \$11,691.91 from 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  
SEPTEMBER 14, 1999 COUNCIL

ADOLPH KEIFER

SWIM DIAPERS

397.50

ADV CONTROL SYSTEMS	SUPPORT AGREEMENT	2,218.00
ALAMAR UNIFORM CO.	UNIFORMS	106.18
ALIAN T CELLULAR	CELLULAR CHARGES	57.40
AMERICAN HERITAGE	LIBRARY BOOKS	70.45
AMERICAN LIBRARY ASSOC	LIBRARY BOOKS	37.00
AMERICAN NAT RED CROSS	RED CROSS INSTRUCTIONS	143.40
AWARD PLUS	RETIREMENT PLAQUE BANTA	49.50
BARMORE'S	PHOTO FINISHING	5.23
BERNTSON OIL	FUEL AND OIL	2,526.45
BRICKER, VANCE	ICMA CONFERENCE EXP	1,242.65
BROWN, HAROLD	QRT TOOL ALLOWANCE	50.00
C.B.S.A.	INSURANCE PREMIUMS	8,372.22
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	13,710.52
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	1,553.15
CENTRAL GARAGE FUND	LBR, PRTS, TIRES, GAS & OIL	10,081.90
CENTURY LUMBER	PRIMER AND SANDPAPER	18.13
CLINE'S SMALL ENG REPAIR	LAWN MOWER-W/GRS CTCHR	349.00
COAST TO COAST	WDETR HDS-COFFEE BRWR	197.47
COMM REDEV AUTHORITY	HOLIDAY EXPRESS PROJECT	178,646.61
COMPLETE MUSIC	BALANCE DUE POOL MUSIC	50.00
COUNTRY GENERAL	WEEDEATER AND SUPPLIES	171.29
COZAD SERVICES, INC.	DISPOSAL-FIRE DEPARTMENT	32.00
CULLIGAN WATER COND CO.	WTR TRTMNT WWTP & GGC	70.80
DAN'S SANITATION	SOLID WASTE FEES	10,405.44
DAWSON AREA DEV	ANNUAL MTG REGISTRATION	180.00
DAWSON COUNTY CLERK	DISPATCH FEES	5,067.67
DAWSON COUNTY FEEDS	REFUND UTILITY CREDIT	47.38
DAWSON CO PUBLIC POWER	AUGUST POWER USEAGE	2,171.60
DEMCO	LIBRARY SUPPLIES	49.71
DIAMOND SALES	LIBRARY BOOKS	290.15
DUTTON-LAINSON COMPANY	CONNECTORS	138.66
EAKE'S OFFICE PRODUCTS	COPIER PMNT & LIBR SPLS	587.94
ECLIPSE COMMUNICATIONS	AUGUST LONG DIST CHRGS	246.69
EDM EQUIPMENT COMPANY	BEARINGS-SEALS-CAPS	195.15
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	196.19
ELLIOTT EQUIPMENT CO	SWR VAC/1000 GAL CAP	24,500.00
FAGOT REFRIG & ELECTRIC	CRCTS/PL-FAN MTR REP/LIBR	247.90
FAIRBANKS INTERN, INC.	MISC. REPAIR PARTS	60.55
FLOOR SHINE	CL FLS-SRV BLDG/FR HL/GGC	920.00
FRIEND, MATT TRUCK EQUIP	MOTOR BRAKE ASSEMBLY	178.34
GALL'S INC.	POLICE DEPT. SUPPLIES	137.40
GILLETTE/NEBR DAIRIES, INC.	DAIRY PRODUCTS-GGC	592.84
GLOBAL COMP SUPPLIES	SHIELD FOR PRINTER	21.04
GR PLNS ONE-CALL SERVICE	UTILITY LOCATES	100.38
HAAS, T.O. TIRE CO., INC.	TIRES AND TIRE REPAIRS	186.75
HIGH, RANDY	REFUND UTILITY CREDIT	10.50
HOUSE OF HAIR	UNIFORM REPAIRS	25.00
HUNT CLEANERS, INC.	GLOVES	126.04
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	182.39
INTERNET USA., LLC	INTERNET SVCS LIBRARY	93.90
JELCO CARPET CLEANING	CLN CRPTS - CITY HALL/GGC	142.00
JONES PLUMBING & HEATING	WATER & SEWER SUPPLIES	231.61
JUAN, TOMAS FRANCI	REFUND UTILITY CREDIT	79.82
K.R.V.N. - FM	CONTRACT #2287501	157.50
KARRE'S CITY BAKERY	ROLLS FOR MEETINGS	31.80

KELLY ELECTRIC COMPANY	REPAIR FOOD WARMER	102.60
KIRK'S	DEQ BREAKFAST	22.43
KRIZ-DAVIS COMPANY	TRNSFRMR BRKTS - ARREST	2,514.01
LEXINGTON ANIMAL CLINIC	AUGUST ANIMAL CARE	509.90
LASWA	SOLID WASTE FEES	711.09
LEXINGTON CO-OP	SOIL SAMPLES	29.00
LEXINGTON HEALTH FUND	SEPTEMBER SELF-FUNDING	14,830.46
LEXINGTON LAUNDRY	AUGUST LAUNDRY	62.00
LEXINGTON NEWSPAPERS	MEETING NOTICES AND ADS	483.36
LEXINGTON POSTMASTER	BLK MAILING CHRG & PSTG	250.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	22.55
LEXINGTON, CITY OF	MO FEES & FRANCHISE FEES	22,703.02
LUTHER, ANN	LEADERSHIP MTG. COZAD	25.73
PAYROLL ACCOUNT	WAGES	83,902.79
SOCIAL SECURITY	EMPLOYER PORT FICA/MED	6,339.56
FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,312.86
AMERICAN FUNDS	POLICE PENSION	924.32
ICMA	PEPPLITSCH PENSION	99.70
PAYROLL 07-Sep-99	WAGES	76,916.61
SOCIAL SECURITY	EMPLOYER PORT FICA/MED	5,805.11
FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,294.20
AMERICAN FUNDS	POLICE PENSION	1,110.12
ICMA	PEPPLITSCH PENSION	99.70
M & S SALVAGE	FREON REMOVAL	14.00
MARQUEZ, RUBEN	REFUND UTILITY CREDIT	60.00
MC LAUGHLIN MFG. CO.	HOSE ASSEMBLY	303.50
MEAD/BIG VALLEY LUMBER	MASONITE-PNT-RF CEMENT	65.20
MEYER WELDING & REPAIR	SQUARE TUBING	18.00
MICK'S PLATTE VALLEY GLSS	WINDOWS-CITY HALL BLDNG	1,402.62
MIDWAY SUPPLY	AUTO PARTS	269.33
MILLER AND ASSOCIATES	PROFESSIONAL SERVICES	2,100.00
MISKO SPORTS	VOLLEYBALLS	189.00
MORRIS PRS & OFC SUPPLIES	CASHIERS RECEIPTS	85.86
MR. AUTOMOTIVE	WIPER BLADE	15.22
NE RURAL WATER ASSOC	OCT MEMBERSHIP RENEWAL	187.50
NEBRASKA DEPT OF HHS LAB.COLFRM & NITRATE TSTING		149.35
NEBRASKA DEPT-REVENUE	SALES TAX FOR AUGUST	30,013.68
NEBR PUBLIC POWER DIST	AUGUST POWER CHARGES	470,039.75
NEBR TRUCK & EQUIP CO.	MANURE SPREADER	10,135.00
NELSON, THOMAS R	CLEAN CITY HALL	500.00
NEW MMI CORP	21" MONITOR	878.00
NEWMAN TRAFFIC SIGNS	LETTERS	94.78
NLA/NEMA	ANL CONV-SEWARD, RUTH	30.00
NORTHEAST LIBR SYSTEM	SEMIN LINC - SEWARD, RUTH	25.00
OMAHA LIFE INSURANCE CO.	FIREMEN LIFE INSURANCE	60.00
OMB POLICE SUPPLY	CLEANING ROPES	54.80
OVERTON SAND & GRAVEL	FILL SAND & ROAD GRAVEL	189.00
PAMADA INC.	REFUND UTILITY CREDIT	1,236.38
PATTY'S HALLMARK	OFC SPLS & CASH REGIS RTL	729.14
PAULSEN INC.	CONCRETE	1,231.88
PEAK INTEREST (PIZZA HUT)	PIZZA FOR CRA MEETING	22.99
PLATTE VALLEY AUTO MART MISC.	AUTO PARTS	115.95
PLATTE VALLEY COMMUN	RAD RPRS-RNTL & MAINT CONT	1,016.00
PLATTE VALLEY EXTERMIN	SPRAY CITY OFFICES	55.00
PRECISION INDUSTRIES	BEARINGS	192.55

RESEARCH ASSOCIATES	PUBLIC OPINION POLL	4,000.00
REYNOLDS, R.J. & ASSOC	RFND BLDG PERMIT FEES	12.00
RUIZ, ROBERTO	REFUND UTILITY CREDIT	42.35
S & W AUTO PARTS, INC.	MISC. AUTO PARTS	432.69
SAV A LOT DISCOUNT FOODS	GGC FOOD	11.90
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,692.03
SCULLEY, MICHAEL /ELLA MAE	RFND OVERPMNT-CEM LOTS	75.00
SEWARD, JUSTIN	LIBR CLEANING FOR JULY	225.00
SEWARD, RUTH	DINNER MEETING EXPENSE	14.11
SIXTH STREET MARKET	FOOD	66.12
SKARSHAUG TESTING	CLEAN & TEST LINE HOSE	62.15
SUBWAY OF LEXINGTON	CIVIL SRVC MTG LUNCH	22.31
TIME LIFE BOOKS	LIBRARY BOOKS	23.98
TRI-COUNTY HOSPITAL	FTNS CNTR CHGS/DRG SCN	232.50
U S WEST COMMUNICATIONS	AUGUST PHONE CHARGES	2,119.28
US POSTAL SERVICE	UTILITY DEPT POSTAGE	1,500.00
UTILITY EQUIPMENT	CURB BOXES	89.20
VIKING OFFICE PRODUCTS	OFFICE SUPPLIES	150.52
W P C I	DRUG SCREEN	27.10
WAL-MART	MISC. OFFICE SUPPLIES	344.42
WEBER & WEINHOLD	PROFESSIONAL SERVICES	2,100.00
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	796.27
WEST CENTRAL NE DEV	1999-2000 MBRSHP ASSESS	3,675.00
AFLAC	EMPLOYEE CANCER POLICY	602.12
CASH-WA	FOOD AND SUPPLIES	267.10
DAN'S SANITATION	KLB ROLL-OFFS AUGUST	493.00
FOX BROS. HAY CO. INC.	TREE GRINDING	1,687.50
JOHNSON SERVICE COMPANY	TV SEWER LINE	850.00
K N ENERGY INC.	GAS SERVICE	3,678.64
PETTY CASH FUND	REPLENISH PETTY CASH	81.62
LEXINGTON PUBLIC SCHOOLS	TOBAC & LIQR LICNS REFUND	5,365.00
MUNICIPAL CLERKS' ASSOC	MBRSP DUES-LEWIS, SHIRLEY	30.00
TEXACO CUST CRD CENTER	FUEL-SCOTTSBLUFF-BRICKER	13.62
	TOTAL CLAIMS	\$1,042,092.32

**BUDGET HEARING:**

The Lexington City Council held a public hearing to consider the Fiscal Year 1999-2000 Budget as presented to the Council. Upon review of the proposed figures and no comments being forwarded to the Council, Mayor Fagot declared the public hearing closed. Moved by Wightman Seconded by Kohl to accept the City of Lexington Budget for Fiscal Year 1999-2000 as presented. Roll call. Voting "aye" were Cook, Klamm, Kohl, Wightman and Fagot. Motion Carried.

**SPECIAL PUBLIC HEARING:**

Mayor Fagot opened the special public hearing to consider setting the tax requested which is different than the tax requested last year. City Manager Vance Bricker addressed the Lexington City Council stating that there was no increase in the General Fund request. The increase in Debt Service is due to the bond payments coming due on the 13<sup>th</sup> Street Project. There being no further comments, Mayor Fagot declared the public hearing closed.

**TAX REQUEST RESOLUTION:**

Moved by Klamm, seconded by Kohl that the following resolution be passed and approved. Roll call. Voting "aye" were, Cook Kohl, Klamm, Wightman and Fagot Motion carried.

**RESOLUTION NO. 99-26**

WHEREAS, Nebraska Revised Statutes Section 77-1601.02 authorizes the governing body to set a final property tax request at a different amount than the property tax request for the prior year; and

WHEREAS, the Mayor and Council of the City of Lexington, Nebraska has conducted a public hearing as prescribed by law and heard and considered comments concerning the need to establish a different property tax request;

WHEREAS, the Mayor and the Council of the City of Lexington, Nebraska hereby finds and determines that it is in the best interests of the Municipality that the property tax request be set at a different amount than the request for the previous year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the property tax request for the Municipality for the fiscal year 1999-2000 is set at \$430,008.00.

PASSED AND APPROVED THIS 14th DAY OF SEPTEMBER, 1999.

CITY OF LEXINGTON, NEBRASKA

John Fagot Mayor

ATTEST:

Leon E. Malzahn City Clerk

**TAX LID:**

The Lexington City Council considered the following action allowing the City to increase the amount of restricted funds. Assistant City Manager, Joe Peplitsch informed the Lexington City Council that a favorable vote would allow the City, to increase the amount of restricted funds the City now is allowed and therefore extend this limit to the next years call on taxes. Upon completion of his presentation, moved by Wightman seconded by Klamm that the City of Lexington increase their restricted funds by one percent (1%) for the fiscal year 99-2000 Roll call. Voting "aye" were: Cook, Kohl, Klamm, Wightman and Fagot. Motion carried.

**APPROPRIATIONS  
ORDINANCE:**

An ordinance entitled AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE was read before the Council. 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 and Fagot. Motion carried. Said Ordinance was then read by title. Moved by Wightman seconded by Klamm, that Ordinance No. 2113 be passed on final

reading. Roll call. Voting “aye” were Kohl, Cook , Klamm, Wightman and Fagot. Motion carried.

The passage 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

**RECLASSIFY STREETS:**

Assistant City Manager Peppitsch informed the Council that the State of Nebraska is requesting a joint resolution between the City and Dawson County to reclassify Cattlemen Drive. Upon completion of his presentation Council person Wightman moved that the following Resolution be passed and approved. Seconded by Kohl. . Roll call. Voting “aye” were Cook Klamm, Wightman Kohl, and Fagot. Motion carried.

**JOINT RESOLUTION NO. 99-27**

WHEREAS, the City of Lexington and Dawson County have proposed construction of Cattlemen Drive, as a road to link Adams Street to Plum Creek Parkway, and running generally along the south line of the Northwest Quarter of Sec. 8-9-21; and

WHEREAS, both Cattlemen Drive and South Adams Street from West Walnut Street south to Cattlemen Drive are partially outside of the Lexington corporate limits; and

WHEREAS, it is appropriate that a proposed Cattlemen Drive and the segment of South Adams Street from West Walnut Street south to Cattlemen Drive should be reclassified.

The Mayor and Council of the City of Lexington, Nebraska, and the Board of Commissioners of Dawson County, Nebraska, therefore jointly resolve as follows:

1. That the State Department of Roads is hereby requested to classify the portion of Cattlemen Drive within the Lexington Urban Area Boundary as “urban minor arterial”, and classify the portion of Cattlemen Drive outside of the Lexington Urban Area Boundary as “county major collector”.
2. That the State of Nebraska Department of Roads is hereby requested to classify South Adams Street from West Walnut Street south to Cattlemen Drive as “urban minor arterial”.
3. That the State of Nebraska Department of Roads, upon the completion of construction of Cattlemen Drive, is hereby requested to classify West Walnut Street from South Adams Street east to Plum Creek Parkway as “urban collector”.

This Joint Resolution PASSED AND APPROVED by the City Council of the City of Lexington, Nebraska, on the 14<sup>th</sup> day of September, 1999.

John Fagot, Mayor

ATTEST:

Leon Malzahn, City Clerk

APPROVED by the Board of Commissioners of Dawson County, Nebraska, on this 15<sup>th</sup> day of September, 1999.

Chairman of County Board

ATTEST:

County Clerk

**CDBG REUSE  
REQUEST:**

Assistant City Manager Peplitsch addressed the City Council with a request to use nine thousand six hundred dollars (\$9600.00) in CDBG reuse funds to pave a section of right of way that will serve the new parts store that will locate on South Plum Creek Parkway and the entrance to Dawson County Fairgrounds. He further stated that this would (be a loan) (be a grant and not repayable). Moved by Wightman seconded by Klamm to allow the use nine thousand six hundred dollars (\$9600.00) in CDBG reuse funds for paving of an entrance to the Dawson County Fair Grounds and the new parts store. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman and Fagot. Motion carried.

**D.A.D. APPOINTMENT:**

The following Resolution was presented to the Council, for the appointment of John Wightman to the Dawson Area Development Board of Directors. After the Resolution was read Council person Klamm Moved that the following resolution be passed and approved. Seconded by Kohl. . Roll call. Voting "aye" were Cook, Wightman Kohl, Klamm, and Fagot. Motion carried.

RESOLUTION NO. 99-28

A RESOLUTION APPOINTING REPRESENTATIVE TO THE  
DAWSON AREA DEVELOPMENT ASSOCIATION.

WHEREAS, the City of Lexington is a member of the Dawson Area Development Association; and

WHEREAS, it is necessary to adopt a Resolution to appoint a representative to serve on the governing body of the Dawson Area Development Association.

BE IT THEREFORE RESOLVED that John Wightman as Councilperson of Lexington Nebraska is hereby appointed as the representative of the undersigned political subdivision to serve on the

Dawson Area Development Association Board. Such representation to be effective August 23<sup>rd</sup> 1999, and continue until a successor has been appointed.

PASSED AND APPROVED September 14, 1999

City of Lexington

John Fagot Mayor

ATTEST

Leon E. Malzahn Lexington City Clerk

**DISCUSSION:**

City manager Bricker announced that he will be absent from the next regular meeting because he will be attending the International city managers convention.

Mayor Fagot requested the formation of a committee for economic development in the City of Lexington. He also requested that Council person Klamm and himself be placed on that committee.

**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.

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Lexington City Clerk