

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 22, 1998 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 Peplitsch, Ruth Seward, Barb Mills, Chris Huff. Also present were Reed Miller, Dana Daniels, and Bob Blankenship representing Miller and Associates, Lonnie and Mike Bliven. The Press was represented by 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 - REGULAR MEETING 12-8-98: Minutes of the Regular council Meeting held December 8, 1998 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman to approve the minutes of the regular meeting held December 8, 1998 as presented. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$192,097.20 was presented for Council's consideration and approval. After a discussion of the claims, moved by Wightman, seconded by Kohl, to approve the claims and bills as listed and authorize the City Treasurer to transfer \$87,410.94 from the General Fund, \$73,075.32 from LEXUS, \$20,475.25 from City Sanitation Fund, \$933.25 from the Landfill Fund, \$47.04 from Housing Reuse, \$46.48 from Library Memorial Fund, \$4,901.04 from Meals on Wheels, and \$5,207.88 from the Health Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Cook, Klamm, Kohl, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
DECEMBER 22, 1998 COUNCIL

ACCU CUT	ROLLER CUTTING MACH. & LETTERS	3,041.00
AFLAC	CANCER PREMIUM	304.22
ALDANA, ERIC E	POWER SURGE REPAIR	139.00
AM LIBRARY PREVIEW	LIBRARY BOOKS	408.08
ALIAN COMM.	SERVICE & EQUIPMENT - LIBRARY	82.25
AM PUBL WKS ASSOC.	MEMBERSHIP FEES	192.50
ASSOC. SPLY CO. INC.	WINTERIZE POOL	600.00
BARMORE'S	CALCULATOR - WWTP	24.99

BAR-HOUSEL-GRAFTON	1998 FORD RANGER P/U INS.	99.00
BEE OFC SOLUTIONS	OFFICE SUPPLIES	14.57
BERNTSON OIL	DIESEL FUEL	246.33
BERNIE & PAT'S	FRAMES	82.34
BISHOP, PETE	NMPD BOARD MTG-LINCOLN	113.50
BRICKER, VANCE	MIL. 12/22/98 GOTH-LINCOLN-KRNY	138.00
CASH-WA	FOOD AND SUPPLIES GGC	417.82
CNTRL COMM COLLEGE	CPR CLASSES FOR FIRE DEPT	425.00
CHIEF SUPPLY	FIRE DEPARTMENT SUPPLIES	422.87
CLIFTON, KATHY	REFUND UTILITY OVERPAYMENT	53.00
COAST TO COAST	TOOLS	43.62
CONNEY SAFETY PROD.	SUPPLIES	42.52
COUNTRY GENERAL	SUPPLIES	252.62
CORP. BEN. SVC OF AM.	EMPLOYEE CLAIMS	2,770.89
CREATIVE TCHR, THE	LIBRARY SUPPLIES	23.02
DAW. CO. PUB. POWER	POWER FOR WELL #15	1,067.15
DAWSON CO. TREAS.	1998 REAL ESTATE DRAINAGE TAX	7.59
DAW. CO. REG. OF DED.	PLAT FEES	56.00
DAY-TIMERS, INC.	POCKET ORIG FILLER	29.74
DEMCO	LIBRARY SUPPLIES	87.97
ECLIPSE COMMUNIC.	LONG DISTANCE CHARGES	178.59
EILERS MACH. & WELD.	CUT 1/2" PLATE	60.68
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	2,921.55
FARM PLAN CORP.	PARTS	16.08
FLOOR SHINE	RESTORE FLOORS - FIRE HALL	60.00
GILL/NE DAIRIES INC.	DAIRY	188.76
HARLEQUIN RTL, INC.	LIBRARY BOOKS	10.52
H-T-M SALES, INC.	RELAY AND CAPACITOR	167.53
HUNT CLEANERS	LEATHER GLOVES	104.52
INGRAM LIBR. SVCS	LIBRARY BOOKS	121.06
KAPCO	BOOK JACKETS - LIBRARY	56.61
KAYTON ELECTRIC, INC.	TRAFFIC SIGNAL REPAIRS	576.81
K N ENERGY, INC	ENERGY BILLS	1,695.59
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	4,142.20
LATINA	12 ISSUE RENEWAL - LIBRARY	20.00
LNDMRK AUDIOBOOKS	LIBRARY BOOKS	204.00
LEX COMMUNICATION	REPAIR SPEAKER AND RADIO	68.06
LEXINGTON COOP	WASH TRUCK	4.00
LEX VOL FIRE DEPT.	MEETING EXPENSES	362.80
LEX PUBLIC LIBRARY	REPLENISH PETTY CASH	2.66
LEX CITY PROLL ACCT.	PAYROLL FOR 12/17/998	
PAID TO:	WAGES	72,914.59
SOCIAL SECURITY	SOC SEC(EMPLOYER PORTION)	5,951.09
FIRST NATIONAL BANK	EMP PENSION(EMPLOYER PORT)	2,188.39
AMERICAN FUNDS	POLICE PENSION(EMPLOYER PORT)	0.00
I.C.M.A.	EMP PENSION(EMPLOYER PORT)	97.74
LEX POSTMASTER	BOX 70 & 778 BOX RENT RENEWALS	276.00
MARTIN ELECTRIC	REPAIR CUT LINE	58.50
MCCANDLESS BCKHOE	WATER SERVICE LEAK	165.00
MEAD/BIG VALLEY LMBR	PAINT AND LUMBER	56.32
MIDWAY SUPPLY	SCRAPERS	18.80
MILLER & ASSOCIATES	GRADE SEPAR & WATER SAMPLING	8,808.16
MR ANDERSON'S CO	LIBRARY SUPPLIES	29.20
MID-NEBR FOOD BANK	FOOD AND SUPPLIES	45.78
MORRIS PR & OFC SPLS	OFFICE SUPPLIES	27.24

MR. AUTOMOTIVE	PAINT AND SUPPLIES	136.23
NAT ARBOR DAY FOUND	ANNUAL RENEWAL	15.00
NE LAW ENFORCEMENT	FIRE ARMS RECERTIFICATION	26.26
NE PUBLIC POWER DIST.	RECIPE BOOKS	600.00
NE DPT OF HHS LAB.	CHEMICALS	345.80
NEBR. REC. AND PARKS DEPT.	MEMBERSHIP DUES - HUFF, CHRIS	35.00
NE SUPREME COURT	1996 & 1997 INDEX REISSUES	59.00
NEWMAN TRAF SGNS	"FINES DOUBLED' SIGNS	43.55
NE SFTY & FIRE EQUIP.	FIRE EXTINGUISHER INSPECTION	74.00
NSEC, INC.	SEMINAR - MILLS & LUTHER	100.00
OMAHA WORLD HER.	1 YEAR RENEWAL - CITY	130.00
OVER. SAND & GRAVEL	GRAVEL	78.00
OXFORD UNIV. PR. INC.	LIBRARY BOOKS	35.97
PAULSEN INC.	CONCRETE AND CRANE RENTAL	375.08
PARROTT, MATT & SONS CO.	W 2'S AND 1099'S	110.98
PATTY'S HALLMARK	OFFICE SUPPLIES AND FURNITURE	1,971.42
PENWORTHY COMPANY	LIBRARY BOOKS	677.81
PLUM CREEK MEDICAL	FLU SHOT	11.00
PLM CR TELE SYSTEM	PHONE AND JACK	140.00
PROG BUSI PUBLIC	CUSTOMER SERVICE ADVANTAGE	253.00
RENT-ALL RENTALS	RENT PIPE CUTTER	11.00
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	668.00
SIXTH STREET MARKET	FOOD AND SUPPLIES	4.97
SUMMIT SPTS & EVNTS	BASKETBALL TOURNAMENTS	5,000.00
TIME LIFE BOOKS	LIBRARY BOOKS	20.94
UNITY MUT. LIFE INS CO	TERM LIFE INSURANCE-FIREMEN	625.45
UTILITY EQUIPMENT	BUSHINGGOLD AND FUSES	258.64
U.S. FILTER DISTR/OMAHAWATER	METERS AND WRENCHES	319.45
VIKING OFFICE PROD	LIBRARY SUPPLIES	72.61
WAL-MART	MISC. OFFICE SUPPLIES	238.66
WAREHOUSE SURPLUS	CHILDREN'S SUCKERS - UTL DEPT	16.00
WESCO DISTR, INC.	ELECTRICAL SUPPLIES	1,551.31
BERNTSON OIL., INC.	GAS AND DIESEL	1,557.54
CORP. BEN SRVC OF AM	EMPLOYEE CLAIMS	2,121.77
DAN'S SANITATION	UTILITY BILLING-SOLID WASTE	20,475.25
DILLARD, BRAD	REFUND OVERPAYMENT ON PERMIT	20.50
H T M SALES INC.	MANUAL MOTOR PROTECTOR	374.95
ICMA	1994 EVALUATING FINAN COND	68.00
LEXINGTON, CITY OF	UTILITY BILLING-FRANCHISE FEES	20,730.01
LEXUS	CITY UTILITY BILLS	18,727.18
MUNIC SPLY, INC OF NE	CAST IRON PIPE AND JOINTS	470.37
PETTY CASH FUND	REPLEN PETTY CASH-CITY OFFICE	105.71
REACH ELECT, INC.	PAGER REPAIRS	84.51
RVW INC.	ENG SRVCS WESTERN HGTS.	545.87
TEX CRED. CRD CNTR	OCTOBER FUEL CHGS-HUFF, CHRIS	25.99
	TOTAL	\$192,097.20

SUBDIVISION PLAT:

Mr. Lonnie Bliven addressed the Lexington City Council submitting a subdivision plat for his subdivision on South Airport Road. Questions pertaining to the plat range from the number of houses currently on it, and the use of this property in the future. Upon completion of the discussion, moved by Wightman, seconded by Klamm, that the following resolution be passed and approved. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

RESOLUTION NO. 98-
BLIVEN SUBDIVISION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

That the plat of BLIVEN SUBDIVISION of part of the southeast Corner of Section 1, Township 9 North, Range 22 West of the 6th P.M., in Dawson County, Nebraska, duly made out, acknowledged and certified be and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 22nd day of December, 1998.

CITY OF LEXINGTON, NEBRASKA

BY: Mayor John Fagot

ATTEST:

Leon E. Malzahn
City Clerk

PUBLIC HEARING:

The Lexington City Council held a public hearing to consider a request from Lonnie Bliven to rezone property at 201 South Airport Road from A-1 Agricultural to R-2 Family Dwelling. Mr. Bliven addressed the City Council again stating that the use of this property would be residential in nature, and since there are two houses on this property, the zoning needs to be changed from A-1 to R-2. After a lengthy discussion pertaining to the dwellings that were on the property, and their use, Mayor Fagot declared the public hearing closed.

REZONING ORDINANCE:

An Ordinance entitled "AN ORDINANCE TO REZONE BLIVEN SUBDIVISION, FROM A-1 AGRICULTURAL DISTRICT TO R-2 TWO FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Wightman, that Ordinance No. 2107 be passed on first reading. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**WATER STUDY
TECHNICAL
MEMORANDUMS:**

Mr. Dana Daniels addressed the Lexington City Council presenting Technical Memorandums No. 2, 3 and 4, of the water study for the City of Lexington. Mr. Daniels reviewed the Memorandum No. 2 relating to Population Data and Trends which covered years 1890 to 1990. Technical Memorandum No. 3 Projected Water Demands for both the North and the South Systems, and Technical Memorandum No. 4 which studied the Elevation of Water Storage Facilities and their capacities. This study compared the existing facilities with the requirements needed. These requirements were defined by using three methods of determination. One being the Standard Engineering Practice, the second being

Projected Fire Flows, and the third being Water Usage Under Power Outage Conditions. This study revealed that the North System has a deficit in Category No. 1 and No. 2, and South System has a deficit in all three areas. Upon completion of his presentation, no further action was taken.

**APPLICATION FOR
PAYMENT:**

The Lexington City Council considered Application No. 2 and Final from Diamond Engineering for construction of a water main project to Well No. 16. After review of the request and a statement from Mr. Daniels that the water main project is complete and has been tested, and is ready for addition of Well No. 16 to the system. Moved by Wightman, seconded by Kohl, to approve Application No. 2 and Final from Diamond Engineering in the amount of \$4,164.48 and authorize the City Treasurer to transfer \$4,164.48 from Water Dept. to the City of Lexington Operating Account. Roll call. Voting "aye" were Cook, Klamm, Kohl, Wightman, Fagot. Motion carried.

Mr. Daniels then presented a Certificate of Substantial Completion for the Water Main Project for Well No. 16. Upon review of the Certificate of Substantial Completion, moved by Klamm, seconded by Wightman to accept the Certificate of Substantial Completion in the amount of \$42,413.00 for the construction of the water main system improvements at Well No. 16. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

FIRE DEPT. BY-LAWS:

At this time, the City Attorney addressed the Lexington City Council stating that he had not had time to review the By-Laws with the Fire Department, and requested that this be tabled until the next meeting. Moved by Kohl, seconded by Wightman to table any discussion of the Fire Department By-Laws until the next regular meeting. Roll call. Voting "aye" were Cook, Klamm, Wightman, Kohl, Fagot. Motion carried.

**APPOINTMENTS TO
BOARDS AND
COMMISSIONS:**

Mayor Fagot announced that in the Planning Commission, he is reappointing Bill Pepper and Steve Smith, and is appointing Nova Workman to the Planning Commission. On the Board of Adjustment, he is reappointing Mark Yung and Larry Williams. The new appointment to that would be Dottie Anderson. On the Tree Board, he is reappointing Alvin Zimmerman and Darrell Bliven Jr. On the Housing Authority, he is reappointing Dick Helvey. On the Library Board, he is reappointing Linda Miller. Upon completion of the Mayor's appointments, moved by Wightman, seconded by Klamm, to approve the Mayor's appointments to Boards and Commissions as stated. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**APPOINTMENT OF CITY
OFFICIALS:**

Mayor Fagot announce that in the following Ordinance, the City Officials named would be City Clerk Leon Malzahn, City Attorney Willard Weinhold, City Engineer Miller and Associates of Kearney, and City Physician Dr. Francisca Acosta-Carlson. Upon completion of his announcements, an Ordinance entitled "AN ORDINANCE APPOINTING CITY OFFICIALS: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Kohl, that the rules requiring the reading of said Ordinance

on three separate days be suspended. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

Said Ordinance was then read by Title. Moved by Wightman, seconded Kohl, that said Ordinance No. 2106(b) be passed on Final Reading. Roll call. Voting "aye" were Klamm, Cook, Kohl, 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

ADJOURNMENT:

There being no further business to come before the Council, Mayor Wightman 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