

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 27, 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 Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills, Chris Huff. Also present were Dana Daniels representing Miller and Associates, Mike Bacon, John Cox, Doug Cunningham. 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 - REGULAR MEETING - 7-13-99:** Minutes of the Regular Meeting held July 13, 1999 was presented for Council's consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held July 13, 1999 as presented. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$278,690.63 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, and questions concerning the replacement cost of a telephone system at the Swimming Pool, with reference, that the insurance paid for it, moved by

Kohl, seconded by Wightman, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$110,603.90 from the General Fund, \$115,219.47 from LEXUS, \$19,711.22 from City Sanitation Fund, \$5,443.59 from Landfill Fund, \$6,689.82 from Meals on Wheels Fund, \$20,998.72 from the Health Fund, and \$23.91 from Housing Reuse Fund to the City of Lexington's Operating Account. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 JULY 27, 1999 COUNCIL

ADV CONTROL SYSTEMS	SUPPORT AGREEMENT	4,224.00
ADOLPH KEIFER	POOL SUPPLIES	75.10
AFLAC	CANCER PREMIUM	572.42
ALIANI CELLULAR	CELLULAR CHARGES	99.88
ASSOC POOL BUILDERS, INC.	MURIATIC ACID	441.00
AXIS CAPITAL, INC.	POSTAGE MACHINE LEASE	283.31
BECKER FIRE EQUIP CO	SEAT BELT CUTTERS	8.00
BERNTSON OIL	FUEL	2,169.33
BOMBERGER, LARRY	ELECTRIC REBATE	1,200.00
BUNGER, CHAD	POOL SUPPLIES	97.20
BUSINESS & PROF CREDIT	UTILITY COLLECTION FEES	97.99
C.B.S.A.	EMPLOYEE MEDICAL	4,342.65
CASH-WA	FOOD AND SUPPLIES	1,816.26
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	189.00
COCA COLA/DR PEPR-KRNY	POP	443.25
COOK, TED	ELECTRIC REBATE	1,100.00
CORDES, MARTIN	DELIVER SAMPLES TO OMAHA	25.00
COUNCIL FOR ECO DEV	CONTRIBUTION	10,000.00
COUNTRY GENERAL	SPNKLRS, HSES WSHRS & MSC	240.55
COZAD SERVICES, INC.	RPR SINK DRAIN-FIRE DEPT.	18.24
CRESCENT ELECT SPLY CO	STEP DRILLS	101.30
D & R COMPUTING	FIRE HALL COMPUTER	233.00
DANIELS, DANA	REBUILD CLOCK FRAME	38.00
DAWSON CO REGOF DEEDS	LOCATE STR SMITH ADDITION	6.50
DAWSON CO WEED CONTROL	SPRAY WEEDS	739.71
DUNRITE, INC.	BIN TAPE	78.32
EAKE'S OFFICE PRODUCTS	COPY CHARGE	165.50
ECLIPSE COMMUNICATIONS	LONG DISTANCE CHARGES	275.58
EGAN SUPPLY COMPANY	URINAL SCREENS	18.85
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,025.93
FAGOT REFRIG & ELECTRIC	HEAT PUMP (GFC)	4,127.00

FISCHER, KENT	ELECTRIC REBATE	1,200.00
FOX VALLEY SYSTEMS, INC.	PAINT	36.47
FRANSYL EQUIPMENT, INC.	LABOR & PARTS ON DIGGER	3,907.23
GILLETTE/NEBR DAIRIES, INC.	DAIRY FOR GGC	304.20
GORDON, DAVE	ELECTRIC REBATE	600.00
HACH CHEMICAL	DRIP TUBE	25.00
HALL'S SAFETY EQUIPMENT	RUBBER GLOVES	99.60
HASELOH, RICHARD	ELECTRIC REBATE	1,100.00
HUNT, MARK A	ELECTRIC REBATE	1,100.00
IMPACT COMP SOLUTIONS	HARD DRIVE	189.00
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	835.00
K N ENERGY, INC.	ENERGY CHARGES	4,906.05
KRIZ-DAVIS COMPANY	CROSSARMS AND BRACES	3,924.95
KULHANEK, JOHN	ADAPTERS	41.75
LAWSON PRODUCTS, INC.	MISC. NUTS AND BOLTS	582.98
LEWIS, SHIRLEY	MILEAGE MEETING OMAHA	137.64
LEXINGTON AREA SOLID WASTE	AGENCY SOLID WASTE	47.52
LEXINGTON COMMUN	SPECO SPEAKER	50.00
LEX NEWSPAPERS, INC.	MTG NOTICES AND MINUTES	279.65
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	9.80
LEXUS	ELECTRIC REBATE	1,242.00
LEX CITY PAYROLL ACCOUNT	WAGES	91,304.75
SOCIAL SECURITY	EMPLOYER PORT FICA/MED	6,905.75
FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,349.56
AMERICAN FUNDS	POLICE PENSION	1,068.89
ICMA	PEPPLITSCH PENSION	99.70
LUTHER, ANN	ABUSE WORKSHOP	39.60
M&S SALVAGE	REMOVE FREON	24.00
MEAD/BIG VALLEY LUMBER	STAKES, NAILS, PLYWOOD	81.38
MEYER WELDING & REPAIR	MOWER SPINDLE	8.00
MID-NEBRASKA FOOD BANK	FOOD FOR GGC	19.32
MID-STATES UNITS	PORTABLE RESTROOMS	1,020.00
MIDWEST LABORATORIES INC	LAB TESTING	212.00
MILLER AND ASSOCIATES	PROFESSIONAL SERVICES	15,533.04
MOTZNER, BILL	ELECTRIC REBATE	1,100.00
MUNICIPAL SUPPLY	REPAIR CLAMPS	1,956.58
NATIONAL LEAGUE OF CITIES	MEMBERSHIP DUES	816.00
NATIONAL WILDLIFE FED	MAGAZINE RENEWAL	17.00
NEBR DEPT. OF HHS LAB	COLIFORM	61.25
NEBRASKA MACHINERY	PARTS	199.72
NE VOL. FIRE FGHTRS TRUST	ANNUAL INSURANCE	799.20
NICHOLS II, CHARLES	CDL TEST FOR AIR BRAKES	50.00
OLD DOMINION BRUSH	BROOMS	800.00
OVERTON COMM CENTER	BUILDING RENT	100.00
OVERTON SAND & GRAVEL	GRAVEL	117.00
PATTY'S HALLMARK	OFFICE SUPPLIES	383.75

PAULSEN INC.	CONCRETE	1,225.02
PROTECTIVE LIFE INSURANCE	CANCER PREMIUM	35.62
PEAVY, LYNN COMPANY	POLICE SUPPLIES	66.30
PLATTE VALLEY AUTO MART	AUTO REPAIRS	112.84
PUBLIC LIBRARY ASSOC	MEETING EXPENSE BALANCE	15.00
RAMADA INN CENTRAL	RM EXP-LEWIS MTG-OMAHA	180.64
RANDY'S & BRIAN'S TOWING	TOWING CHARGES	191.00
RASMUSSEN, STAN I	ELECTRIC REBATE	1,200.00
RDO FINANCIAL SRVCS CO.	EQUIPMENT REPAIR	890.70
RECREONICS CORPORATION	UMBRELLA	84.10
RENT-ALL RENTALS	2000LB LIFT	18.00
RICHARDSON, CALVIN	ELECTRIC REBATE	100.00
S & W AUTO PARTS, INC.	AUTO PARTS	73.41
SCHARF, DON	ELECTRIC REBATE	1,200.00
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,710.14
SIXTH STREET MARKET	FOOD AND SUPPLIES	245.75
SPECIALTY STORE SRVCS INC	AUDIO CASES	70.07
STALEY SPRINKLER, INC.	SPRINKLER HEADS	52.95
SUBWAY OF LEXINGTON	LNCHS-PLAN. COMM & COUN	100.59
UNIQUE HAIRTIQUE	ELECTRIC REBATE	1,194.00
VALENTINO'S	PIZZAS FOR POOL	21.18
WAL-MART	OFFICE SUPPLIES	340.82
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	4,465.78
WILLCO, INC.	CHECK VALVES	748.50
WOLF, TRACY	INSTRUCTOR MTG EXPENSE	7.50
BRICKER, VANCE	MILEAGE EXP-G.I. & GOTHEN	66.00
C.B.S.A.	EMPLOYEE CLAIMS	16,048.03
DAN'S SANITATION	UTILITY SOLID WASTE CHRGS	19,711.22
DELTA INDUSTRIES MFG. INC.	FIRE DEPARTMENT SUPPLIES	392.39
ELECTRONIC SYSTEMS	PHN RPRS AT POOL(LIGHTN)	2,050.00
I.C.M.A. DISTRIB CENTER	HANDBOOKS FOR MANAGER	108.50
JELCO CARPET CLEANING	CARPETS-SRVC BLDG.-CITY	210.00
LEXUS	UTILITY BILLING	17,222.81
LEXINGTON, CITY OF	FRANCHISE FEES	25,741.36
MALZAHN, LEON	NPPD MTG BRICK/MALZ EXP.	118.70
MILLER & ASSOCIATES	OPTIMIST REC. CENTER	1,362.00
NE DEPT. OF EVIRON. QUAL	CERT. RENEWAL - YOUNG	50.00
OMAHA LIFE INSURANCE CO.	INSURANCE FOR FIREMEN	62.00
PAULSEN INC.	CONCRETE	1,061.42
PETTY CASH FUND	REPLENISH PETTY CASH	129.15
TIME LIFE BOOKS	LIBRARY BOOKS	68.94
	GRAND TOTAL:	\$278,690.63

**PUBLIC HEARING:**

The Lexington City Council held a public hearing to receive input on the application for use of Economic

Development Reuse Funds. Mr. Mike Bacon addressed the Lexington City Council stating that reuse funds for the TIF Bond in the amount of \$178,650.00 would be used for the Travel Center only, and that Mr. Wilkensen will need to obtain financing for the remainder of the project. Mr. Bacon also revisited the statistics presented at the last Council Meeting relating to amount of economic gain the City of Lexington would realize, with the addition of this business. Upon conclusion of Mr. Bacon's presentation, Mayor Fagot asked for anyone wishing to speak in favor, or opposed to this project. Hearing none, Mayor Fagot declared the public hearing closed. Moved by Klamm, seconded by Kohl, to approve the use of the Reuse Funds in the amount mentioned by Mike Bacon to be \$178,650.00 for the purpose of building a Travel Center in connection with the Holiday Inn Plaza. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**PUBLIC HEARING:**

The Lexington City Council held a public hearing to receive input on the Comprehensive Plan Update. A representative from Hanna/Keelan Associates from Omaha .A representative from Hanna/Keelan Assoc .addressed the Lexington City Council and presented an overview of the data included in the Comprehensive Plan. The explained the areas included in the plan which included the process used to develop the plan. Additional contents of the plan included Goals Policies and strategies, Population, income and housing trends, the planned use of lands, public facilities, and utility systems. In closing he covered the transportation area and finally the maintenance of this plan upon its implementation. He also explained how the data had been obtained for the various sections of the report. Upon the completion of his presentation, and hearing no further input, Mayor Fagot declared the public hearing closed.

**COMPREHENSIVE PLAN ADOPTION:**

Moved by Klamm, seconded by Kohl, that the following resolution adopting the Comprehensive Plan Update be adopted. Roll call. Voting "aye" were Cook, Wightman, Kohl, Klamm, Fagot. Motion carried.

RESOLUTION NO. 99-19

WHEREAS, the Lexington City Council has, after public hearing, adopted and recommended a Comprehensive Plan Update 2009; and

WHEREAS, after notice being published and public hearing before the Council, the Council determines that said Plan should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the document prepared under the direction of the Lexington Planning Commission and entitled Comprehensive Plan Zoning/Subdivision Regulations Update 2009, should be and hereby is adopted as the comprehensive plan for the City of Lexington, Nebraska.

Passed and approved this 27<sup>th</sup> day of July, 1999.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, President of the Council

ATTEST:

Leon E. Malzahn, City Clerk

**PACE MEMBERSHIP:** City Manager Bricker informed the Lexington City Council that the following Resolution would give us Associate Membership in PACE. We would not be able to participate in the voting, or share in the profits or loss of PACE. Upon conclusion of his presentation, moved by Wightman, seconded by Kohl, that the following Resolution be passed and approved. Roll call. Voting “aye” were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

## RESOLUTION 99-20

WHEREAS, the City of Lexington, Nebraska, realizes that energy, both electric and natural gas, is an indispensable commercial commodity; and

WHEREAS, it is in the public interest and in the interest of the energy consumers of the City that the City become an Associate Member of the Public Alliance for Community Energy ("PACE"), a nonprofit body politic and corporate of the State of Nebraska, as authorized by and in accordance with Section 18 of Article XV of the Constitution of the State of Nebraska and the Interlocal Cooperation Act of the State of Nebraska, §§ 13-801 et seq., R.R.S. Nebraska, 1997, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lexington Nebraska that participation as an Associate Member of PACE is approved with all rights and responsibilities thereto.

Dated this 27<sup>th</sup> day of July, 1999

John Fagot, Mayor

Attest:

Leon E. Malzahn, City Clerk

### **FINANCIAL REPORT:**

The Financial Report for June, 1999 was presented for Council's consideration. Upon review of the Financial Report, and the Sales Tax Figures for past months, and up-to-date, moved by Kohl, seconded by Klamm, to accept the Treasurer's Report for June, 1999. Roll call. Voting "aye" were Cook, Wightman, Klamm, Kohl, Fagot. Motion carried.

During the discussion period, City Manager Bricker advised the Council that on July 29<sup>th</sup> at 7:00 a.m., there would be a workshop on the Preliminary Budget for the Fiscal year 2000.

### **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